

INDEX

A

	Page
Abandoned property, state laws.....	1859–61
Abortion:	
Advertising of.....	1248–49
Constitutional right to.....	1897–1909
Demonstrations, protests outside clinics.....	1334–36
Indigent women, right to public assistance.....	1902–03
Parental consent to minor's.....	1900, 1906
Partial birth abortions.....	1906–07
Spousal consent.....	1900, 1906
Threats against abortion doctors.....	1277–78
Absentee voting.....	2148
Abstention doctrine.....	881–83
Academic freedom.....	1210–15
Access to ballot, equal protection.....	2149–51, 2153, 2177
Access to broadcasting, press.....	1261–65
Access to courts by litigants.....	1971–72, 2172–74, 2179–80
Access to courts by public, press.....	1232–38
Access to prisons by public, press.....	1238–42
Accusation, notice of, specificity.....	1622
Act of state doctrine.....	606, 627, 770
Addiction, drug, alcohol, punishment.....	1720–21
Administrative agencies:	
Adjudication by.....	679–81
Combination of functions.....	1929–30
Decisionmaking, bias in.....	1929–30
Delegations to.....	78–79
Due process in.....	1540–43, 1943–44
Presidential creation, status.....	485–86
Administrative inspections, searches.....	1376–80
Administrative Procedure Act.....	87, 745–47
Administrative regulations:	
Judicial review of.....	80, 1540–43
Modification of congressional legislation by.....	87–88
Violations of, how punished.....	93–95
Admiralty, federal court jurisdiction in:	
Airplane crashes and.....	814–15
Congress, powers.....	383, 810–12
Contracts, maritime.....	812, 814
Federal-state powers, exclusivity, concurrency.....	818–24
Jury trial and.....	812, 817
Prize cases.....	812–13, 815–16
Proceedings in.....	816–17
Saving to suitors, state court jurisdiction.....	816, 818–19, 875–76
Seamen, rights as to contracts, maritime torts, etc.....	812, 814–16, 819–24
Territorial reach of power.....	817–18
Types of cases under.....	812, 814–16
Wrongful death, maritime, actions for.....	823–24

Admiralty:	
maritime torts.....	815
Adoption of children.....	940, 2130
Advertising:	
Commercial speech.....	1247–58
Public forum, access.....	1318
Public issue advertising.....	1262–63, 1280–82
State regulation, equal protection.....	2075
Advice and consent.....	566, 572–73
Advisory opinions.....	684, 686, 718–19, 748–50
Advocacy, permissible governmental limitation.....	1144, 1146–54, 1156, 1162–63, 1184–88
Affirmative action.....	2108–15, 2134–36
Affirmative defenses, criminal trials.....	2000–01
Age classifications:	
Equal protection and.....	2056
Right to vote, 18-year-olds.....	2265
Agriculture, production, marketing, commerce.....	204, 210–12
Air Force. <i>See</i> Armed forces.	
Airplanes, state taxation, jurisdiction.....	253, 274–75, 1873
Airports, state regulation of flight times, preemption.....	282
Alcoholic beverages. <i>See</i> Intoxicating liquors.	
Alcoholism, criminal liability for.....	1721
Alibi defense, burden of proof, discovery.....	1993, 2001–02
Alien and Sedition Acts.....	301, 780, 1127–28, 1273–74
Aliens. <i>See also</i> Immigration and naturalization.	
Admission to bar.....	2121
Chinese Exclusion Case, Act.....	311
Due process, entitlement to.....	1530–31, 1538–40, 1546
Education, entitlement to.....	2124–25
Employment restrictions.....	2119, 2124
Equal protection.....	2055–56, 2059, 2118, 2125
Jury service.....	2120
Land holdings, state curbs.....	1806
Police, employment as.....	2122–23
Suits by, against, in federal courts.....	856
Teachers, employment as.....	2122–23
Voting.....	2120
Alliances, States not to enter.....	400–01
Ambassadors, Public Ministers, Consuls:	
Defined, appointment, salary, etc.....	559–61
Reception of foreign ambassadors.....	596
Suits affecting, federal courts.....	807–08
Amendment of Constitution.....	985–1002
Amnesty. <i>See</i> Pardons; President, powers.	
Ancestry, as proxy for race.....	2204–05
Anonymous, unsigned materials, distribution.....	1337–38
Anti-injunction statute, state court proceedings.....	711, 884–85
Antitrust laws, monopolies:	
Communications media, application to.....	1261
Equal protection challenges to.....	2080–81
Federal, interstate commerce application.....	197–200
Labor unions, application to.....	200–01
Lobbying activities, application to.....	1231

- Antitrust laws, monopolies—Continued
 - State, due process, equal protection..... 1846, 2080–81
 - Appeals, corrective process, civil proceedings..... 1980–81
 - Appeals, corrective process, criminal trials:
 - Appeals not necessarily required..... 2013–15
 - Burdening of appellate process..... 2013–14, 2172–74, 2176
 - Double jeopardy after appeal..... 1473–75
 - Indigents, imposition of fees, costs..... 2172, 2174, 2177
 - Prosecution appeals..... 1468–71, 1476–77
 - Appointments, recess..... 591–95
 - Appointments Clause..... 563–68, 572–73
 - Apportionment and districting. *See* House of Representatives; Legislatures, state.
 - Appropriations:
 - Required for withdrawal of funds from Treasury..... 398–400
 - Support of armies, limitations..... 349–50
 - Arbitration, compulsory, due process..... 1826
 - Armed forces:
 - Appropriations for, limited..... 349–50, 399
 - Civilians, discharged servicemen, dependents, court-martial jurisdiction..... 356–57
 - Congress, power to raise and maintain..... 349–51
 - Conscription, validity..... 350–51
 - Courts-martial, due process, judicial review, etc..... 353–57, 1541–43
 - Offenses arising in, trial for..... 354–56
 - Peacetime draft, validity..... 351
 - Personnel, federal exemption of insurance, property, state taxation, garnishment..... 353
 - Speech, other constitutional rights of servicemen..... 351–53
 - Arms, right to keep and bear..... 1351–54
 - Arraignment, delay in, effect on confession..... 1505–06
 - Arrest:
 - Fourth Amendment..... 1373–75
 - Members of Congress, privilege from..... 137
 - Assembly, right of, privileges and immunities..... 1803–04
 - Assembly and petition, rights of..... 1345–49
 - Association, freedom of..... 1153–54, 1156, 1169–83, 1187–90, 1199–1202, 1215, 2045
 - Associations, standing to sue..... 740
 - Attainder, bills of:
 - Federal..... 386–89
 - State..... 402–03
 - Attorneys (*see also* Counsel, assistance of):
 - Admission, durational residency..... 2169
 - Advertising by..... 1249–50, 1257
 - Aliens, admission of..... 2121
 - Bar membership, oaths, loyalty inquiries..... 386, 1153–54, 1165–66, 1189
 - Integrated bar, First Amendment..... 1180
 - Solicitation of clients..... 1249–50
 - State regulation, attorney practicing in more than one State..... 2075–76
 - Automobiles:
 - Bankruptcy, federal release, preemption..... 321–22
 - Jurisdiction, out-of-state motorists..... 1953–54
 - License revocation, due process..... 1934, 1948
 - Searches of..... 1372, 1380, 1406–11, 1414–15
 - Stolen, federal criminal jurisdiction..... 218, 1741

B

- Bail, right to, excessive..... 1681–85
Ballot:
 Access to, candidates, parties..... 2107–08, 2149–51, 2153, 2177–79
Bankruptcy:
 Congress, powers as to..... 70–71, 316–22, 1554–55
 Debtors, eligible for relief..... 316–17
 Municipal subdivisions, when eligible for relief..... 319
 Retroactive regulation, due process..... 1554–55
 State laws, federal recognition of..... 319–20
 State laws, preemption..... 319–22
 State laws, validity in absence of federal..... 320
Banks:
 Chartering by Congress, effect of necessary and proper clause..... 380–81
 Depositors, privacy interest..... 1371, 1910–11
 State regulation..... 1848–49
Baseball, not interstate commerce..... 177–78
Belief, freedom of..... 1110–12, 1163–69
Bicameralism..... 72–73
Bill of Rights:
 Application to States..... 1047, 1049, 1051, 1053–54
 Formulation and adoption..... 1045, 1047
 Meaning as applied to Federal Government, States..... 1053–54
 Unenumerated rights..... 1731–33
Bills of attainder. *See Attainder, bills of.*
Bills of credit, States not to emit..... 401–02
Birth control, state restrictions, justiciability, validity..... 737, 1732, 1910
Blood samples, taking of, search and seizure..... 1389–90, 1421, 1436–37
Blue ribbon juries, validity..... 1613
Blue Sky Laws, business regulation..... 1957–58
Borrowing power (federal)..... 175, 323–24
Boundary disputes, suits between states..... 833–34
Bricker Amendment..... 532, 555
Bridges across navigable streams, state powers..... 234
Broadcasting, regulation, First Amendment..... 85, 185–86, 1262–68
Burden of proof, due process..... 1977–80, 1998–2005
Burden on commerce. *See Interstate commerce, State powers.*
Business affected with a public interest..... 1829–31
Business regulation and due process..... 1845–53
Busing:
 religious schools, public support for..... 1069–70, 1079, 1083–84
 school desegregation..... 2091, 2097–98

C

- Cable television regulations, copyright..... 335–36
Campaign finance restrictions, First Amendment..... 1215–20, 1222–28, 1230
Candidacy for elective office:
 Constitutional guarantees..... 962, 1865, 2142–44, 2149–51, 2153
 Loyalty oaths..... 1191
Capital punishment:
 Constitutionality..... 1690–93, 1695–96, 1698–1702, 1704–15, 1717–19
 Diminished capacity:
 Juveniles..... 1711–13

Capital punishment—Continued	
Diminished capacity—Continued	
Mental retardation.....	1710–11
Habeas corpus, limitations on review.....	1715, 1717–19
Harmless error review.....	1704–05
Individualized consideration.....	1700–02, 1704
Judge, imposition of death penalty by.....	1697
Jurors opposed to death penalty, exclusion.....	1615–17, 1692
Jury factfinding role.....	1698
Limited discretion, jury guidance.....	1696, 1698
Murder, punishment for.....	1695–96
Procedural requirements, aggravating and mitigating facts.....	1698–1702, 1704–06
Proportionality.....	1720–25
Racial discrimination, statistical disparity in imposition.....	1713–14
Rape, punishment for.....	1706–08
Standards, legislative.....	1698–1703
Unintended taking of life, felony murder.....	1708–09
Victim impact evidence.....	1705–06
Capitol grounds, Washington, picketing on.....	1317
Carriers:	
federal regulation, ICC.....	192–93
state regulation, taxation, commerce clause.....	242–66
Cases and controversies, federal courts:	
Actual disputes, requisite to.....	718–21
Adverseness of parties.....	721–22
Collusive, feigned suits.....	722–23
Mootness.....	756, 758–61
Real interest of litigant.....	747–48
Ripeness.....	753–56
Standing.....	724–37, 739–47
Stockholder suits.....	723–24
Taxpayer suits.....	726–29
Censorship. <i>See</i> Speech and press, freedom of expression.	
Census.....	122–25
Child labor, state, federal bans.....	215, 218–19, 1740, 1822
Children:	
Corporal punishment, schools.....	1728–29, 1921, 1940
Custody, control, natural parent.....	1940, 1977, 2141–42
Exposure to nudity, indecency, protection from.....	1298, 1300–01, 1309–12
Illegitimates.....	2137–38, 2140–42
Pornography, use of children in.....	1306–08
Sex crime victim, testimony.....	1631–33
Cigarettes, state regulations, advertising.....	277–78, 1248
Citizenship:	
Corporations not citizens.....	1801
Definition.....	1799–1802
Denaturalization, expatriation.....	307–10, 1801–02
Desertion in time of war, loss of citizenship.....	308–09, 1605
Discrimination between natural-born and naturalized.....	305–07
Diversity cases.....	844–48
Marriage to foreign citizens, loss of.....	308–09, 1801
National, state citizenship, distinction.....	1800
Naturalized citizens, classes, privileges, etc.....	299–310

Citizenship—Continued

- Privileges and immunities of..... 1802–04, 1806
 Renunciation of..... 307–10
 Slaves, former slaves..... 1799–1801
 Voting in foreign elections, loss of..... 309–10, 1801
Civil commitment, institutionalization..... 1921–23, 2027–29
Civil rights. *See also* Racial discrimination:
 Jurisdiction of federal courts..... 800–01
 Private discrimination, federal power over..... 228–30, 1787–89, 2029–30, 2187–91
 Regulation under commerce power..... 228–30
Civil trials, juries in..... 1663–72, 1674–77
Civil War:
 Habeas corpus suspension..... 384–85
 Prize cases, legality of blockade..... 347
Clear and present danger..... 1144, 1146–54, 1156, 1162–63
Coal, federal regulation, mining..... 204–05, 1572–73
Coastal zones:
 Ownership of minerals in..... 971–72
 State regulations of use..... 234, 248, 961
Coining money, congressional power..... 322–23
Collective bargaining, governmental promotion..... 203–08, 1825, 1827–28
Comity, accommodation between federal-state judicial systems..... 881
Comity clause. *See* Privileges and immunities of state citizens.
Commandeering of state government..... 1016–19
Commerce. *See* Interstate Commerce; Foreign Commerce.
Commerce Court..... 663
Commercial speech and First Amendment..... 1247–58
Common law, federal..... 848, 850–55
Communications industries, governmental regulation..... 1261–68
Communist Party:
 Compelled registration of..... 1186–87, 1500–01
 Disqualification for membership in..... 1188–90
 Punishment for membership in..... 1187–88
Commuters, taxation..... 964
Compacts among States..... 446–49
Company town, free speech in..... 1325–27
Compensation Clause, compensation of judges..... 663–64
Competency to stand trial, criminal defendant..... 2005–08
Compulsory process, criminal trials..... 1633–34
Computers and privacy..... 1911–12
Condemnation. *See* Taking of property by government.
Conditional spending, grants-in-aid..... 170–74
Confessions, due process, self-incrimination..... 1504–16, 1518–25
Confidentiality, restraint on publication..... 1294–95
Confrontation, administrative proceedings..... 1931
Confrontation of witnesses, criminal trials:
 Absent witness, prosecution responsibility to produce..... 1623–24, 1626–27
 Background and purpose..... 1622–25
 Confession, use at joint trial..... 1625
 Cross-examination, relation to..... 1622–23, 1626–27
 Hearsay rule, relation to..... 1623–28, 1630–31
 Sex crime case, protection of child witness..... 1631–33
 Witness plea of self-incrimination..... 1624–25

Congress (*see also* Contempt; Elections; House of Representatives; Impeachment; Investigations; Public officers of the United States; Senate)—Continued

Powers generally—Continued

Enforcement of Nineteenth Amendment.....	2237
Enforcement of Thirteenth Amendment.....	1785–92
Enforcement of Twenty-fourth Amendment.....	2259–60
Enforcement of Twenty-sixth Amendment.....	2265
Enforcement of Twenty-third Amendment.....	2257
Federal courts, establishment of inferior courts.....	864–67
Interstate and foreign commerce.....	175–77, 179–84, 286–99
Investigations.....	96–111
Legislative courts, establishment.....	666–68
Legislative jurisdiction over property.....	375–77
Legislative power generally.....	65
Militia.....	369–71
Naturalization and citizenship.....	299–316
Necessary and proper legislation.....	377, 379–83
Nominations, advice and consent.....	516–17, 561–63, 572–73
Post offices and post roads.....	324–29
Presidential Electors, time for choosing.....	471
Public lands and territories, regulation and disposal.....	976–80
Punishment of counterfeiting.....	322–23
Punishment of piracies, offenses against law of nations.....	340–43
Punishment of treason.....	914
Spending and taxing.....	156–75
Supreme Court, appellate jurisdiction.....	858–68, 870–74
Treaties, advice and consent.....	516–18, 524–26
War powers.....	343–69
Powers in relation to courts.....	664–66, 668–69, 683–84, 705–08, 710–13, 861–68, 870–74, 884–85

Powers in relation to Executive:

Amnesty, pardon.....	516
Conduct of foreign relations, cooperation with President.....	596–603
Declaration of war.....	345–49, 491–98
Demand for papers.....	583–91
Executive officers, control, direction of.....	573–83, 614–19
Imposition of binding obligations on.....	627–33
Impoundment.....	611–14
Investigations.....	98–99
Military forces abroad, congressional control of presidential discretion.....	491–98
Removal powers, restriction.....	573–83
Veto, when effective, how overridden.....	148–56
Power to define constitutional rights.....	2191–99, 2210, 2212–15
Quorum, how computed, effect of absence.....	106, 132–35, 151
Resolutions, etc., how made effective, status.....	151–52
Revenue bills, origin, amendment.....	146–48
Rules of procedure, determination.....	131
Yea-and-nay votes, entry into journal.....	131, 135–36

Congressional districting. *See* House of Representatives; States.

Congressional employees, judicial direction of.....

111, 142–44

Congressional investigations. *See* Investigations, congressional.

Congressional Pay Amendment.....

136–37, 988–92, 994, 2267

Congressional veto.....

70, 152–55

INDEX

2751

Conscientious objection to military service.....	1100–01, 1115, 1535
Conscription, Selective Service.....	350–51, 1792
Conservation, state interests, effectuation.....	241–42, 259, 959–62, 1853–57
Constitution, amendment of:	
Congress, proposal by.....	987
Convention, proposal by.....	988
Judicial review of.....	986, 992, 994, 999–1002
President, approval not required.....	987
Ratification.....	988–99
Referendum not valid means of ratification.....	999
Scope of power.....	985–86
State withdrawal of ratification.....	992–99
Time limits for ratification.....	988–1002
Constitutional fact, theory of, judicial review.....	872–73
Constitutional torts.....	639, 800
Contempt of Congress.....	109–11
Contempt of court:	
Administrative agencies, enforcement of orders.....	701–02
Congress, power to restrict courts.....	692
Due process limitations on.....	696–700
Federal courts, powers of.....	689–702
First Amendment, limitations of.....	694–96, 1148–50
Impartial tribunal, right to.....	698–700
Injunctions, court orders, violations of as.....	700–01
Jury trial, right to.....	697–98, 1605
Pardoning power of President.....	513–14, 690–91
Punishment, limitations.....	689–92
Summary punishment, notice and hearing.....	696–97
Content regulation, First Amendment.....	1268–87, 1289–92, 1294, 1296–1313, 1315
Contingent legislation.....	82–83
Contraceptives, access to.....	1732, 1895–96, 1910, 1915–16
Contract, freedom of.....	1817–25, 1827–28
Contractors with Federal Government:	
First Amendment protections.....	1208
state taxation.....	1024–25
Contracts, impairment:	
by Federal Government.....	1553–54
by States.....	408–40
Convict-made goods, barred from commerce.....	1546, 1741
Copyrights and patents.....	329–31, 334–36, 338–40
Corporal punishment in schools.....	1728–29, 1940, 1949
Corporations:	
Chartered by Congress, basis of power, state regulation, taxation.....	381, 798, 1019–20
Charters, termination by State.....	1845
Charters, when contracts, immune from state impairment.....	416–21
Citizenship for diversity jurisdiction purposes.....	845–47
Due process of law, protected as “persons”.....	1530–31, 1807–08
Equal protection of law, entitled to.....	2046–47
Expression, rights of.....	1134–35, 1247–68
Foreign, appointment of agent for service of process.....	1956–57
Foreign, equal protection limitation on taxation, regulation.....	2047, 2068–70
Foreign, state control of admission, licensing, operation, taxation.....	246, 250–54, 260–63, 1845–46

Corporations—Continued

- Foreign, suability, service of process..... 926–27, 1955–61, 1963–65
 Stockholders' actions, derivative actions, security for costs..... 1971
 Suits by, state laws preventing, burdening..... 246
Costs, damages, penalties, state courts, due process..... 1973–76
Counsel, assistance of, civil proceedings..... 1932–33
Counsel, assistance of, criminal proceedings:
 Appointment of, right established in federal courts..... 1634–36
 Appointment of, right established in state courts..... 1635–37, 1639
 Arraignment..... 1651–52
 Background, basis..... 1634–35
 Capital cases, special circumstances rule..... 1635–38
 Commitment proceedings..... 1660
 Critical stage analysis..... 1651–52, 1656–59
 Custodial interrogation..... 1510–14, 1652–56
 Defendant access to counsel..... 1642–43
 Defendant right to self-representation..... 1650–51
 Effective assistance of counsel..... 1642–47, 1649
 Grand jury witness..... 1452, 1454
 Lineups, identifications..... 1656–59
 Misdemeanors..... 1639
 Parole hearings..... 2020–23
 Post-conviction proceedings..... 1659–60
 Preliminary hearings..... 1651–52
 Prison disciplinary hearings..... 2015–20
 Probation revocation..... 2020–23
 Retained counsel, right to..... 1640–41
 Self-representation..... 1650–51
 Summation of counsel, right to..... 1642
 Waiver, standards..... 1636
Counterfeiting, punishment of..... 323
County governing bodies, apportionment..... 2154–56
County unit system, election of candidates, validity..... 2165
Courthouses, jails, picketing around..... 1317
Court of Claims..... 673–74
Court of Customs and Patent Appeals..... 665, 673–74
Courts (Federal):
 Abolition of by Congress..... 662–63
 Accommodation with state courts..... 880–87
 Actual dispute requirement..... 718–21
 Admiralty, maritime cases..... 186–89, 808–12, 814–24
 Adverseness of parties required..... 721–22
 Advisory opinions not rendered..... 684, 686, 718–19, 748–50
 Ambassadors, ministers, suits affecting..... 807–08
 Ancillary, inherent powers..... 689–717
 Appellate jurisdiction, congressional power..... 861–68, 870–74
 Attorneys in, admission, disbarment..... 716–17
 Award of execution, necessity for..... 686–87, 750
 Bankruptcy courts..... 676–78
 Cases and controversies, attributes..... 719–21
 Cases arising under Constitution, laws, treaties, federal questions..... 793–96
 Cases between a State and citizens of another State..... 838–42
 Cases between a State or its citizens and a foreign state or its citizens..... 856–58

Courts (Federal)—Continued

- Cases between citizens of different States; diversity jurisdiction..... 842–48, 850–55
Cases between citizens of same State claiming land under grants of different States... 856
Cases between States..... 832–38
Circuit courts..... 662–63
Civil rights statutory jurisdiction..... 800–01
Class actions in..... 760–61, 843
Collective bargaining agreements, suits on..... 798–99
Common law, federal..... 848, 850–55
Concurrent jurisdiction with state courts..... 874–94, 896–907
Concurrent jurisdiction with Supreme Court of original jurisdiction matters..... 859–61
Congress, powers over.. 664–66, 668–69, 683–84, 705–08, 710–13, 861–68, 870–74, 884–85
Contempt power..... 689–702
Corporations, citizens for diversity purposes..... 845–47
Declaratory judgments..... 686–87, 750–53
District of Columbia, citizenship of residents for diversity purposes..... 373–74, 843–44
District of Columbia, courts of..... 674–76
Diversity of citizenship jurisdiction..... 842–48, 850–55
Domestic relations cases in..... 845
Duty to decide constitutional cases..... 785–87
Executive privilege, judicial review..... 583–90
Exhaustion of state remedies..... 709, 883–84, 888–89
Federal question jurisdiction..... 793–98, 800–07
Foreign states, suing in, sued in..... 857–58
Immunity from state court restraint..... 880
Immunity from suit, foreign states..... 856
Immunity from suit, United States..... 827–29
Impeachment of judges..... 641, 643, 646–47
Inferior federal courts..... 661–62, 864–65
Injunctions, judicial power, congressional control..... 623–24, 668–69, 710–13, 867–68,
884–85
Judgments, finality of, requisite..... 684, 686
Judicial review..... 778, 781–91, 793
Judicial self-restraint, rules of..... 785–91, 793
Jurisdictional amount..... 842–43, 864–65
Legislative courts..... 382, 666–81
Mandamus, issuance by..... 703–04, 781
Nonjudicial functions, power of Congress to vest in courts.... 668–69, 684, 686–87, 748–50
Pendent jurisdiction..... 801–03
Political questions..... 539–40, 604–08, 653–54, 766–69, 771–78, 981–82, 989, 993–94,
999–1002
President, discretionary acts, review..... 767–68
President, subordinates, power over..... 616–18
President, use of troops to enforce court orders..... 620–24
Probate cases in..... 845
Redistricting power of..... 2157, 2164
Referees, masters, etc., appointment..... 716
Removal of state court cases to..... 382, 796, 798, 904–07
Retroactivity of decisions..... 761–66
Rule making powers..... 81, 714–16
Specialized jurisdiction..... 664–66
Standing..... 724–37, 739–47
State court proceedings, restraint of..... 888–92
State law in..... 818–24, 848, 850–55

Courts (Federal)—Continued

- States, immunity from suits in..... 1751–52, 1754–79
- States, judgments against, enforcement..... 837–38
- States, suits against by citizens of another State..... 838–39
- States, suits against by United States..... 826–27, 1759–61
- States, suits on behalf of citizens..... 840–42
- Stockholder suits..... 723–24, 845–47
- Suits between citizens of different States..... 842–48, 850–55
- United States, suits to which a party..... 824–32
- Writs and processes, congressional control..... 703–10, 884–85

Courts (State):

- Access to, due process, equal protection..... 1970–72, 2179–80
- Admiralty, common law remedies..... 816–24
- Autonomy of..... 876–80
- Closure to public and press..... 1235–38
- Concurrent jurisdiction with federal courts..... 874–94, 896–907
- Consuls, suable in, limitations..... 807
- Discrimination through enforcement of private actions..... 2034–35
- Disobedience of Supreme Court mandates..... 876–78
- Federal courts, accommodation with..... 880–87
- Federal laws, duty to enforce..... 878–80, 1008–09, 1033–35
- Immunity in, congressional conferral..... 1007–08, 1497–98
- Indian reservations, crimes on, jurisdiction..... 974
- Jurisdiction, how obtained..... 1951–61, 1963–70
- Naturalization of aliens in..... 299
- Nonresidents, access to..... 807, 963–64
- Nonresident witnesses, attendance..... 964
- Removal of cases to federal court..... 382, 796–98, 904–07
- Restraint of proceedings in by federal courts..... 888–92
- Review of decisions in U.S. Supreme Court..... 804–07

Courts-martial, jurisdiction, review, due process..... 353–57, 364, 1542–43

Creationism, required teaching in public schools..... 1094

Crimes, federal:

- Congressional definition..... 93–95, 379–80, 1592
- Federalism limits..... 224–26
- Crimes, infamous, how determined..... 1455–56
- Criminal procedure, state, due process..... 1981–89, 1991–2027
- Criminal prosecutions, federal..... 1451–52, 1454–57, 1591–92
- Criminal trials, federal, place of trial..... 1620, 1622
- Cross burnings, First Amendment issues..... 1277
- Cross-examination..... 1931
- Cruel and unusual punishment..... 1686–93, 1695–96, 1698–1702, 1704–15, 1717–24, 1726–29
 - Alcoholism, punishment as crime..... 1721
 - Background, interpretation..... 1686–88
 - Capital punishment..... 1690–93, 1695–96, 1698–1702, 1704–15, 1717–19
 - Citizenship, divestiture of..... 1689–90
 - Corporal punishment, schoolchildren, not applicable..... 1728–29
 - Drug addiction as crime..... 1720–21
 - Prison conditions..... 1726–28
 - Proportionality..... 1720–24
 - Recidivism statutes..... 1721–23

INDEX

2755

D

- Death penalty. *See* Capital punishment.
Debtor-creditor relations, due process..... 1934, 1946–47
Debt pooling, adjustment, banning of business..... 1852, 2076
Declaratory judgments in federal courts..... 382, 796–98, 904–07
Defamation:
 Free speech protections..... 1280–87, 1289
 Labor disputes, protection, state jurisdiction..... 291
Defenses in civil actions, limitations on, due process..... 1972–73
De jure/de facto distinction, state action..... 2032
De jure—de facto distinction, state action..... 2032–33
Delegation doctrine, legislative power..... 75–95, 360–61, 714–15
Deportation. *See* Aliens.
Desegregation..... 2085–98, 2100–08
Detainers, observance of by other States, effect..... 941
Die, right to..... 1923–25
Disabled persons..... 1710–11, 1894, 1921–23, 2027–29, 2196–99
Disclosure, mandatory reporting..... 1170, 1179, 1186–87, 1499–1503
Discovery, press, defamation cases..... 1288
Discovery in administrative proceedings..... 1931
Discovery in criminal proceedings..... 1993, 1995–98
Districting. *See* House of Representatives; States; Legislatures.
District of Columbia:
 Background of clause..... 371–72
 Citizens of, diversity jurisdiction..... 373–74, 843–44
 Commerce of, congressional power..... 180
 Courts..... 373–74, 843–44
 “Home Rule”..... 372–73
 Presidential electors, vote for..... 2257–58
 Residents of, rights..... 374
 Retrocession..... 372
 Seat of government, congressional powers..... 371–75
Diversity jurisdiction, federal courts:
 Background, reasons for..... 842–43
 Citizenship, how determined, natural persons, corporations..... 844–47
 Citizens of District of Columbia..... 373–74, 843–44
 Class actions in..... 843, 845
 Law applied in..... 848, 850–55
 Manufactured diversity..... 847–48
 State, meaning of in clause..... 843–44
Divorce (*see also* Due process of law; Full faith and credit):
 Access to courts to obtain, filing fees..... 2179
 Durational residency qualification..... 2168
 Out-of-state decrees, full faith and credit..... 928–34
DNA testing..... 2014
Domestic violence, protection of states against insurrection, etc..... 980–82
Door-to-door solicitation, protections..... 1339–41
Dormant commerce clause. *See* Interstate commerce, state powers.
Double jeopardy:
 Acquittal, reprocution..... 1468–71
 Application to States..... 1458–59, 1461
 Civil punishments..... 1461–62
 Collateral estoppel..... 1482

- Double jeopardy—Continued
 Conviction, reprocution..... 1473–77
 Dual sovereign doctrine..... 1459, 1461
 Government appeals, when permitted..... 1468–75
 Mistrials..... 1463–68
 Offense, same, multiple, how determined..... 1477–78, 1480, 1482–84
 Punishment, multiple..... 1477–78, 1480
 Same evidence rule..... 1479
 Same transaction test..... 1482–84
 Sentences, increase after appeal..... 1475–77
 State-municipal prosecution barred..... 1461
- Draft card burning..... 1196, 1342
- Dramatic productions, public, when protected..... 1196, 1313, 1315
- Dred Scott decision..... 1799–1800
- Driver's license, suspension, revocation..... 1934, 1948
- Drug testing..... 1421–24
- Dual federalism..... 157, 182, 226, 272, 1005–06, 1009–11, 1032
- Dual sovereign rule, double jeopardy, self-incrimination..... 1459, 1461, 1494–95
- Due process of law (Fifth Amendment):
 Administrative proceedings, fair hearing..... 1534–37
 Administrative proceedings, judicial review..... 1540–43
 Aliens, entry, deportation..... 1538–40, 1546
 Common law actions, abrogation..... 1556
 Economic regulation..... 1546–48
 Equal protection incorporated..... 1543–46
 Hearsay..... 1623–27
 Indians, governance..... 298–99
 Legislative power, limitation on..... 1530–32
 Notice and hearing..... 1534–37
 Police power..... 1546
 Procedural due process..... 1532–36, 1538–43
 Public utilities, regulation..... 1546–47
 Railroad regulation..... 1547–48
 Retroactive legislation..... 1552–54
 Retroactive taxation..... 1550–52
 Segregation in District of Columbia schools..... 1544
 States, not protected by against United States..... 1530–31
 Substantive due process..... 1543–48, 1550–57
 Takings, excessive regulation..... 1569–87
 Taxation..... 1548, 1550
- Due process of law (Fourteenth Amendment):
 Abortion..... 1897–1909
 Application of Bill of Rights to States..... 1047, 1049, 1051, 1053–54
 Business enterprises, rates, charges, conditions of service, etc..... 1829–33
 Civil commitment..... 1921–23, 2027–29
 Civil proceedings, jurisdiction, service of process..... 1951–61, 1963–67
 Compelled services, expenditures by railroads, other corporations..... 1841–43
 Confrontation and cross examination..... 1927–28, 1931
 Counsel..... 1932–33, 1991
 Criminal procedure..... 1981–89, 1991–2027
 Defenses in judicial proceedings..... 1972–73
 Economic regulation..... 1811–17
 Emergency conditions justifying summary process..... 1950–51

Due process of law (Fourteenth Amendment)—Continued	
Enforcement, congressional powers.....	2186–99
Exculpatory evidence, prosecution required to disclose.....	1995–98
Family relationships.....	1919–21
Fraudulent business practices, regulation.....	1846–47
Government structure.....	1866
Guilty pleas, criminal proceedings.....	2008–09
Identification in criminal proceedings.....	1656–59, 1989
Impartial tribunal.....	1927, 1929–30, 1991–92
Judicial review of rate and service regulation.....	1832–36, 1838–39
Jurisdiction, state courts, requisites.....	1951–61, 1963–70
Labor management relations.....	1824–25, 1827–28
Liberty, meaning, how determined.....	1810, 1940–43
Liberty of contract.....	1817–25, 1827–28
Marriage, protected status.....	1915, 1918–19
Natural resources, protection.....	1853–57
Notice and hearing.....	1928
Parole, granting, revocation.....	2020–23
Personal liberties, substantive protection.....	1892–1925
Person defined.....	1807–08
Plea bargaining.....	2008–09
Police power.....	1809–10, 1861–65
Police power, exercise as property taking.....	1809–10
Presumptions.....	1998–2005
Prisoners, discipline, transfer.....	1941–43, 2015–20
Privacy, protected interest.....	1909–19
Process, service of.....	1969–70
Proof of crime.....	1998–2005
Property, meaning, how determined.....	1809–10, 1933–40
Prosecutorial misconduct.....	1995–98
Public utilities, regulation.....	1839–44
Railroads, rate, safety regulation.....	1839–44
Real property, ownership, rights.....	1857–61
Record, findings based on.....	1932
Reputation, as protected interest.....	1937, 1941
Requirements of due process.....	1927–29, 1931–33
Sentencing.....	2010–13
Taxing, state power.....	1867–92
Timing of review: pre-deprivation or post-deprivation.....	1944–51
Vagueness in criminal statutes.....	1983–87
Zoning.....	1857–59
Durational residency requirements.....	2144–45, 2166–69

E

Economic controls, wartime, peacetime.....	357–60
Economic regulation, due process, equal protection.....	1811–25, 1827–36, 1838–66, 2065–66, 2068–74, 2079–80
Education, right to:	
Aliens, illegals, barred.....	2059, 2121–25, 2182
Fundamental interest, not.....	2180–82
Property tax funding, unequal spending.....	2180–82
Religious, public aid.....	1069–89

- Elections (*see also* Congress; Equal protection of the laws; House of Representatives; President; Public officers of the United States; Voter qualifications):
- Absentee voting..... 2148
 - Access to ballot, independent candidates, parties..... 2149–51, 2153
 - Apportionment and districting..... 112–15, 122–25, 2153–64, 2183–84
 - Campaign contribution limitations..... 1179, 1215–20, 1222–28, 1230
 - Congressional power to regulate..... 127–32, 2191–95, 2208–10, 2212–15
 - Corporations, spending limits..... 1223–28, 1230
 - Expenditures limitations..... 1215–20, 1222–28, 1230
 - Presidential, congressional powers over..... 471–75
 - Property qualifications..... 2149
 - State officers, federal use of, penalty..... 130
- Electoral College..... 471–77
- Appointment of Electors by States..... 472–74
 - District of Columbia, electors from..... 2257–58
 - Independence of Electors..... 475–77
 - Separate votes for President, Vice-President..... 1782
- Electronic surveillance, search and seizure..... 1424–27, 1429–31
- Emancipation Proclamation..... 1785
- Emergencies:
- Martial law..... 361–62, 501–09
 - National Emergencies Act..... 491
 - Presidential power generally..... 481–98
 - Price controls, injunctions..... 713
 - Steel seizure case..... 462–63, 627–33
 - Wartime, duration..... 489–91
- Emergency Court of Appeals..... 665, 713, 868
- Eminent domain. *See* Taking of property by government.
- Emoluments..... 400, 479
- Employment, public:
- Discharge, interest in retaining, when protected..... 1190–95, 1202–09, 1934–40
 - Loyalty oaths..... 1165–66, 1190–95
 - Patronage systems..... 1177–78
 - Political activities..... 1199–1202
 - Residency requirements..... 2169
 - Speech rights..... 1202–09
 - Unions, dues systems, objectors..... 1180–82
- Enemy aliens..... 366–67
- Entanglement. *See* Religion, Establishment Clause.
- Enterprise concept, FLSA coverage..... 210
- Entitlements, procedural protections for..... 1927–29, 1931–33, 1935–43
- Entrapment..... 1471, 1987–89
- Enumerated powers..... 73–75
- Environment, legislation protecting..... 187, 221–22
- Equal footing doctrine, admitting States to Union..... 970–74
- Equal protection of the laws:
- Affirmative action..... 2108–18, 2134–36
 - Alienage..... 1545–46, 2055–56, 2059, 2118, 2120–25
 - Apportionment and districting..... 2063–65, 2153–64
 - Ballot, racial distinction on..... 2107–08
 - Ballots, access to, candidates, parties..... 2149–51, 2153
 - Compelling state interest doctrine..... 2053–59
 - Criminal laws..... 2083–84

INDEX

2759

Equal protection of the laws—Continued	
Disparate impact discrimination.....	2059–65
Economic legislation, classification.....	2074, 2079
Education, not a fundamental interest.....	2180–82
Education, racial discrimination in.....	2085–99
Electoral process.....	2142–51, 2153–65
Enforcement, congressional powers.....	2186–99
Federal power, restrained by concept.....	1543–46
Fundamental interests.....	2142–51, 2153–65
Housing, racial discrimination in.....	2105
Illegitimacy.....	2137–38, 2140–42
Indigency.....	2172–74, 2176–83
Intent, need to prove for disparate impact discrimination.....	2059–65
Judicial system, racial discrimination in.....	2107
Juries, racially discriminatory selection.....	2100–04
Marriage, family.....	2107, 2170–71
Motive vs. effects test.....	2059–65
Persons protected.....	2046–47
Police power regulations.....	2065–66, 2068–74, 2079–84
Property tax assessments.....	2073–74
Public accommodations, racial discrimination.....	2107
Public facilities, racial discrimination.....	2106
Racial classifications, discrimination.....	2084–98, 2100–18
Rational basis review.....	2048, 2050–53
Rational basis standard of review.....	2053
Sex, classification by.....	2125–37
Social welfare legislation.....	2081–83
State action.....	2029–38, 2040–46, 2187–91
Strict scrutiny review.....	2053–59, 2111, 2113, 2115, 2147–48, 2158, 2181
Tax laws.....	2065–66, 2068–74
Equal Rights Amendment.....	2126–27
Equal time, broadcasters, newspaper right to reply.....	1261–66
Erie doctrine.....	850–55
Espionage laws.....	1129–31, 1184, 1347
Establishment. <i>See Religion, freedom of.</i>	
Ethics in government, financial disclosure, etc.....	571
Evolution, teaching in public schools.....	1094
Excessive bail.....	1681–85
Excessive fines.....	1685–86
Exclusionary rule:	
Confessions.....	1526–27
Search and seizure.....	1431–47
Executive agreements:	
Arbitration agreements.....	547
Binding effects internationally.....	552–53
Congress, prior authorization of.....	544–47
Disposition of United States property by.....	546–47
Domestic effect of.....	553–56
President, conclusion solely on own authority.....	549–53
Trade agreements.....	545–46
Treaties, authorization by.....	547–49
United Nations Charter.....	547–48
Executive orders.....	627–33

Executive power. *See* President, powers.

Executive power:

removal.....	70
Executive privilege.....	583–91
Ex parte injunctions, expression.....	1139–41, 1320
Expatriation.....	307–10, 1801–02
Exports.....	212–15, 395–97, 441–44
Ex post facto laws:	
Criminal laws, restricted to.....	390
Defined, Congress not to pass.....	389–90
Denial of future privileges.....	405
Deportation.....	391
Extradition, relation to.....	390
Oaths as.....	402, 405
Procedure, changes in.....	391, 407–08
Punishment, changes in.....	390–91, 405–07
Punishment, what constitutes.....	390–91
States not to pass.....	403–04
Exposure, purpose of legislative investigation.....	101–02
Expression. <i>See</i> Speech and press, freedom of expression.	
Expropriation of property of United States citizens abroad.....	625–27
Extradition, fugitive from one State to be returned by another.....	966–69
Extraterritoriality.....	1367, 1591–92

F

Fair Labor Standards Act.....	208–10, 873–74, 1016, 1740
Fairness doctrine, broadcasting equal time.....	85, 1261–65
Fair trial–free press conflict.....	1139–40, 1235–38, 1596–99
Family interests, protected.....	1915, 1919–21, 2107, 2170–71
Featherbedding, prohibition, validity.....	1792
Federal common law.....	848, 850–55
Federal Employers Liability Act.....	195, 1675–77, 1765
Federalism:	
Anti-commandeering rule.....	1016–19
Commerce power.....	182, 219–31
Enforcement of Fourteenth Amendment.....	2191–99
Intergovernmental tax immunity.....	159–61
Spending power.....	170–74
State sovereign immunity, suits in federal court.....	1751–52, 1754–79
Supremacy Clause and Tenth Amendment.....	1009–13, 1015–19
Federalist Papers.....	117–18, 166–67, 231, 343, 372, 517, 598, 1033
Federal lands, congressional powers.....	976–79
Federal question jurisdiction, federal courts:	
Admiralty and.....	823–24
Civil rights statutes and.....	800–01
Corporations chartered by Congress, jurisdiction.....	798
Defined.....	794–96
Jurisdictional amount.....	639, 800–01
Pendent jurisdiction.....	801–03
Protective jurisdiction.....	803
Removal from state to federal court.....	796–98
Specialized federal jurisdictional statutes.....	798–99
Felony-murder, death penalty for.....	1708–09
Fighting words, proscription, protection.....	1274–76

Filing fees:	
Bankruptcy.....	2179–80
Candidacy, political rights.....	2149–50, 2177–78
Civil actions, commencement.....	1971–72, 2179–80
Criminal appeals, post-conviction relief.....	2172–74, 2176
Divorce.....	2179–80
Filled milk, prohibition.....	1546
Fines, excessive.....	1685–86
Fingerprints, criminal investigation.....	1373
Fingerprints, criminal investigations.....	1375, 1389–90, 1398–99
Firearms. <i>See</i> Gun control.	
Fish and game, state laws conserving.....	960–61, 1856–57
Flag desecration.....	1342–45
Flag salute, compulsory.....	1115, 1164
Fleeting Expletives.....	1985
Flood control, federal regulation.....	189–91
Food and drugs, federal, state regulation.....	214, 259–60, 1861–63, 2076
Food stamps, eligibility.....	1979
Foreign commerce:	
Federal law.....	183–84, 212–15
State law.....	266–70
Foreign relations.....	596–602, 604–08
Forfeiture.....	1141, 1806, 1862–63, 1889, 1968–69
Limit on punishment for treason.....	914
Foster families, due process protection.....	1920
Freedom of. <i>See</i> Association, Contract, Speech, etc.	
Free Exercise Clause. <i>See</i> Religion, Free Exercise.	
Fugitives, interstate rendition.....	966–69
Full faith and credit:	
Adoption decrees.....	940
Alimony, child custody decrees.....	936–38
Common law, statutory, constitutional, scope of recognition.....	942–51
Congress, power to effectuate.....	920, 953–54
Corporations, foreign, suits against.....	947–49
Corporations, suits against, stockholders, creditors, policyholders, law applied.....	945–46
Divorce decrees, domicile.....	928–38
Fraternal benefit societies, foreign suits.....	946–47
Fraud, defense, enforcement foreign judgments.....	941–42
Garnishment decrees.....	940–41
Judgments, effect in forum State, limits.....	920–28
Judgments, foreign courts.....	954
Judgments, jurisdiction required, enforcement.....	924–28
Judgments, penal, limit on enforcement.....	941
Probate decrees.....	939–40
Statutes of limitations, foreign judgments.....	951
Stockholder's liability, law applied by forum.....	945–46
Taxes, judgment for, enforcement.....	941
Tort and contract actions, law applied.....	949–51
Fundamental rights:	
Abortion.....	1897–1909
Bill of Rights, selective incorporation in due process.....	1047, 1049, 1051, 1053–54
Education not fundamental right.....	2180–82
Marriage, family.....	1893–95, 1919–21

Fundamental rights—Continued

- Petition, right to..... 1345–47
Poverty, relation to fundamental rights..... 2172–74, 2176–83
Privacy..... 1909–19
Review standard, strict scrutiny..... 2054–59
Speech and assembly..... 1143–44
Strict scrutiny review..... 2053
Travel..... 2144–45, 2166–69
Voting, political rights..... 2144–51, 2153–65

G

- Garbage, state restriction on interstate movement..... 260–61
Garnishment..... 940–41, 1848–49
Gasoline stations, integrated operations, state regulation..... 263
Gender discrimination. *See* Sex discrimination.
General welfare, spending for..... 166–75
Geographic distinctions in regulatory laws..... 2076
Gerrymandering:
 Partisan..... 114–15, 2158–62
 Racial..... 2108, 2157–64, 2207–08, 2213–15
Gifts from foreign state, prohibition on accepting..... 400
Good Behavior Clause, judges..... 641, 643, 660
Grand jury:
 Indictment by, Federal cases, exceptions..... 1451–52, 1454–57
 Indictment by, States..... 1452
 Investigative function of..... 1452, 1454
 Selection of, nondiscrimination..... 1455, 2100–04
 Witnesses before, rights..... 1452, 1454
Group libel laws..... 1279–80
Guarantee Clause..... 980–82
Guilt beyond reasonable doubt..... 1999–2000
Guilty pleas:
 Acceptance of, waiver of rights, circumstances..... 2008–09
 Plea bargaining..... 2008–09
Gun control..... 1351–54
Gun-Free School Zones Act..... 223–25, 1742

H

- Habeas corpus..... 709
 Appeal, not substitute for..... 710
 Congressional control over..... 384–85, 705–08, 863–64, 870–73
 Constitutional issues reviewable..... 705–08, 893–94, 896–904, 1441–42
 Courts-martial, habeas review of convictions..... 356
 Custody, meaning..... 708–10
 Exhaustion of State remedies..... 709, 894, 896–902
 Innocence, relevance to issuance of writ..... 898, 900–02
 Post conviction relief, Federal prisoners..... 706, 709
 Res judicata, inapplicability..... 894–95
 Review, retroactivity of constitutional decisions..... 762–64
 Statutory authorization for, necessity..... 705–06
 statutory limitations..... 870
 Suspension of writ..... 383–85
 Use to effect goals other than release..... 706
Harmless error..... 1491, 1617, 1625, 1658, 1702, 1704–05, 1993

INDEX

2763

- Hatch Act..... 1199–1202, 1732
Hate crimes, hate speech..... 1279–80
High crimes and misdemeanors. *See Impeachment*.
Highways, State, use in interstate commerce..... 247–48, 264–65
Historic sites, landmarks, preservation..... 1574–75
Hit and run statutes, compulsory stop and identification..... 1502–03
Homes:
 privacy in..... 1304–06, 1912–15
 protection from searches..... 1361–62, 1392–95
 regulation of solicitors, canvassers..... 1339–41
Homosexuals, constitutional protection..... 1914–18, 2171–72
Hostile audience, effect on right of expression..... 1320–21
Hours of labor. *See Labor-management relations*.
House of Representatives (*see also* Congress; Elections):
 Apportionment of seats in..... 122–25
 Reduction for denial of suffrage..... 2184
Districting for election to:
 Congressional regulation..... 127–31
 Equally populated districts required..... 112–15
Impeachment, powers..... 125, 640–41, 643–50, 652–53
Revenue bills originate in..... 147–48
 Vacancies in, election to fill..... 125
Housing discrimination..... 230, 2034–36, 2061–62, 2105
Hydroelectric power, federal development..... 189–91

I

- Illegitimacy, classification, discrimination on basis of..... 2055–56, 2137–38, 2140–42
Immigration and naturalization. *See also* aliens.
 Denaturalization..... 304–07
 Deportation..... 315–16, 359–60, 1538–40
 Enemy aliens..... 366–67
 Entry, exclusion, grounds..... 299–301, 311–15
 Expatriation..... 307–10
 Naturalization..... 299–310
 Preemption of state regulation..... 299, 313
Immigration and naturalization:
 Denaturalization..... 1801
 Deportation..... 1189–90
 Entry, exclusion, grounds..... 1197–98
 Expatriation..... 1801–02
Immunity from suit:
 Federal officials..... 638–39, 830–32
 Foreign States..... 856–58
 Government corporations..... 832
 President..... 633–38
 State judges..... 1774–75
 State officers..... 1770–79
 Prospective injunctive relief..... 1776–79
 Tort liability..... 1779
 States..... 1751–52, 1754–79
 Abrogation by Congress..... 1766–70
 Waiver of immunity..... 1764–66
 United States..... 827–29

- Immunity:
- Self-incrimination, grant of to compel answers..... 1495–98
 - State courts, federal power to grant in..... 1007–08, 1494–97
- Impairment of contracts. *See* Contracts, impairment.
- Impartial jury, criminal trials, right to..... 1612–20
- Impeachment:
- Chief Justice, when presides at trial..... 126, 640
 - Criminal prosecution before or after..... 649–50
 - Grounds for—high crimes and misdemeanors..... 643–45, 652–53
 - Abuse of power..... 652–53
 - Criminal offenses..... 649, 651
 - Judges, subject to..... 641, 643
 - Judgment on conviction: removal, disqualification..... 126–27
 - Judicial review, political question..... 653–54
 - Officers subject to..... 641
- Impeachment of witnesses in criminal trials, use of otherwise inadmissible evidence..... 1441, 1524–25
- Pardoning power of President inapplicable..... 512
- Implied powers. *See* Necessary and proper legislation.
- Imports and exports..... 212–15, 395–97, 441–44
- Impoundment of appropriated funds..... 611–14
- Income tax..... 2219–29
- Incompatible offices..... 145–46
- Incorporation doctrine, Bill of Rights..... 1047, 1049, 1051, 1053–54
- Indecent speech, broadcast..... 1265
- Independent counsel..... 71–72, 580–81, 650–51
- Indians. *See* Native Americans.
- Indictment. *See* Grand Jury.
- Indigency:
- Abortion..... 1902–03, 2183
 - Access to courts..... 2179–80
 - Candidacy, voting rights..... 2177, 2179
 - Criminal appeals..... 2174, 2176
 - Criminal sentences..... 2176–77
 - Educational opportunity..... 2180, 2182
 - Equal protection standard for classifications..... 2055, 2059
- Information, citizen access..... 585–86
- Informers, criminal investigations..... 1384–86
- Inherent powers..... 460–63, 627–33
- Initiative and referendum:
- Judicial review, racial discrimination..... 2036–37, 2105
 - Override of zoning variances..... 1859
 - Super-majority for adoption..... 2165
- Injunctions:
- Congressional power over issuance..... 622–24, 710–13, 867–68, 884–85
 - Declaratory judgments and..... 752–53, 890–92
 - Enjoining federal statutory enforcement..... 710–13, 867–68
 - Labor disputes, Norris-LaGuardia Act..... 712, 867–68, 1827
 - Restraining expression, *ex parte* proceedings..... 1139–40, 1320
 - State court proceedings, restraint of..... 888–92
- Innocence, presumption of..... 1998–2005
- Insanity:
- Commitment following acquittal by reason of..... 2006

Intoxicating liquors—Continued	
Wartime prohibition, federal.....	1741
Inverse condemnation. <i>See</i> Taking of property.	
Investigations, congressional:	
Bill of Rights, applicability to.....	106–09
Contempt sanction, source, procedure.....	109–11
Defenses of witnesses.....	102–09
Exercises of power:	
Investigation of Executive.....	98–99
Investigation of Members.....	99
Legislative purposes.....	99–102
Limitations on:	
Authorization, sufficiency of.....	102–03
Legislative power, extent.....	96–97
Pertinency of inquiry.....	102–06
Purpose.....	99–102
Quorum, lack of, effect.....	106
Involuntary servitude.....	1785–92

J

Jails, picketing of.....	1318
Japanese-Americans, relocation of, World War II.....	486–87
Jones Act.....	822–24
Journalist's privilege.....	1232–35
Judges, criminal trials, partiality.....	698–700, 1929, 1991–92
Judges, federal (<i>see also</i> Courts, federal; Supreme Court of the United States):	
Abolition of courts, provision for sitting judges.....	662–63
Article III judges, guarantees.....	641, 643, 659–60, 673–74
Article I judges, lack of guarantees.....	666–81
Bankruptcy judges, status.....	676–78
Compensation, guarantee, taxation.....	663–64
Impeachment of.....	641, 643, 646–47
Legislative courts, status.....	666–81
Tenure, removal, other than by impeachment.....	641, 643, 660–61
Judgments, full faith and credit.....	920–42
Judicial power.....	681, 683–84, 686, 688–89
Judicial process, when requisite of due process.....	1926–27
Judicial review:	
Avoidance of constitutional questions in.....	787–88
Clear mistake, rule of construction.....	788–89
Establishment, origin.....	778, 781–83
Excluded considerations in exercise of.....	789–90
Framers, views on.....	778, 780
Modes of Constitutional interpretation.....	785–86
National supremacy, importance of.....	783–84
Necessity of as due process right.....	1926–27
Preclusion by statute.....	873–74
Presumption of constitutionality.....	790
Self-restraint in exercise of.....	793
Stare decisis in.....	791, 793
Judiciary Act of 1789.....	660–61, 692, 703–04, 706, 710–11, 780–81, 783–84, 794, 796–97, 804, 807, 816, 825, 842–43, 847–52, 858, 860, 865–67, 904–05

Juries:

- Blue ribbon juries, validity..... 1613
- Capital sentencing, exclusion of jurors..... 1615–17
- Composition, size, unanimity of verdict..... 1601–04
- Discrimination, racial, selection..... 1613–14, 2100–04
- Impartiality requirement..... 1612–20
- Vicinage requirement..... 1620, 1622
- Women, exclusion, exceptions..... 1613–14

Jurisdiction:

- Corporations..... 926–27, 1955–61
- Defined..... 682, 717–37, 739–56, 758–69, 771–78, 1951–52
- Full faith and credit, jurisdiction prerequisite for..... 924–25
- In personam..... 925–26, 1952–55
- In rem..... 927–28, 1963–69
- State courts, how obtained..... 1951–61, 1963–70

Jury service, paid time off private employment..... 1824

Jury trial, civil cases:

- Admiralty..... 817, 1668
- Background of right..... 1663–64
- Common-law cases, application..... 1666–70
- Composition, size..... 1664
- Courts in which applicable..... 1665–66
- Directed verdicts..... 1674–75
- Equity cases, no jury trial, exceptions..... 1670–72
- Function of..... 1664–65
- Judge, role of, comment on evidence, etc..... 1672–73
- Mixed equity-law cases..... 1670–72
- Racial discrimination, jury selection..... 2041–42
- States, generally not bound..... 1665
- Unanimity of jurors..... 1664
- Waiver..... 1666

Jury trial, criminal cases:

- Application to States..... 1599–1600
- Background, rationale..... 1599–1600
- Capital sentencing, racial discrimination..... 2104
- Civil proceedings..... 1604–05
- Contempt trials..... 1605
- Factfinding, elements of crime, sentencing factors..... 1605–12
- Impartiality, right to..... 1612–20

- Absence of bias..... 1614–20
- Representative cross section of community..... 1613–14
- Voir dire, peremptory challenges..... 1618–20

Juvenile trials..... 1605

Petty offenses..... 1604

Place of trial, district in which crime committed..... 1620, 1622

Racial discrimination, jury selection..... 2042, 2100–04

Size of jury..... 1601–02

Unanimity requirement..... 1601–03

Waiver..... 1600

Just compensation..... 1563–69

Justiciability..... 717–37, 739–56, 758–69, 771–78

Juveniles:

 Death penalty..... 1711–13

Juveniles—Continued

- offenders, processing of, due process..... 2024–27
 Preventive detention..... 1684

K

- Ku Klux Klan Act..... 128, 2186

L

Labor-management relations:

- Blacklisting, prohibition..... 1826
 Child labor..... 181, 215, 1823
 Compulsory arbitration..... 1826
 Employer free speech..... 1260–61
 Equal protection challenges to legislation..... 2079–80
 Fair Labor Standards Act..... 208–10
 Federal regulation..... 205–10
 Freedom of assembly to discuss rights..... 1348–49
 Hours, wages..... 1822–24
 Hours of labor, women, “hazardous” occupations..... 1820–22
 Injunctions, federal courts, labor disputes..... 867–68, 1827
 Liberty of contract..... 1817–25, 1827–28
 National Labor Relations Act..... 206–08
 Picketing, regulation, free speech..... 1327–28
 Preemption, federal-state power..... 288–94
 Racial discrimination by unions..... 1827–28
 Right-to-work laws, state..... 1828
 Wages, payment regulated..... 1823–24
 Wartime, regulation by President..... 487–88
 Workers’ compensation laws..... 819–24, 949–50, 1824–25

Labor unions:

- Dues money, use of by unions..... 1180–82
 Governmental promotion, regulation..... 203–04, 1825, 1827–28
 Officers, loyalty oaths..... 1151–52, 1168
 Picketing, boycotts, speech..... 1327–28
 Political activities of, limited..... 1232
 Speech rights of members..... 1180–83
 Unfair labor practices, state regulation..... 288–94

Landlord-tenant disputes, jury trials..... 1666–67

Leaflets, pamphlets, distribution, speech..... 1336–38

Legal tender. *See* money.

Legislative buildings, grounds, picketing..... 1317

Legislative courts..... 382, 666–81

Legislative power. *See* Congress, powers.

Legislative veto. *See* Congressional veto.

Legislatures, state, apportionment and distributing..... 2153–64

Lend-Lease Act..... 546–47, 603

Letters of marque and reprisal..... 343, 400

Libel. *See* Defamation.

Liberty of contract..... 1817–25, 1827–28

Limitations period. *See* Statutes of limitation.

Line item veto..... 155–56

Lineups, criminal identification procedures..... 1656–59, 1989

Literacy. *See* Voter qualifications.

Litigation, promotion of, carrying on, First Amendment..... 1170–72

- Loan-sharking, federal prohibition..... 222
Lobbying, Government regulation..... 1230–31
Lochner era..... 1817–22
Logan Act..... 597–98
Loitering..... 1984–86
Longshoremen's and Harbor Workers' Compensation Act..... 820–22
Lotteries, barring from interstate commerce..... 216–17, 326, 1865
Loyalty oaths, constitutionality of..... 570, 755, 1190–95
Loyalty-security programs, government employment..... 570, 1167–68, 1190–95, 1203–04, 1536

M

- Mail (*see also* Post Roads):
 Censorship, exclusion of materials..... 325–27, 1299–1300, 1546
 Congress, powers as to..... 324–28, 1546
 Implementation of other powers..... 328
 Right to receive..... 327
 State regulations, taxes, affecting service..... 328–29
Marque and reprisal. *See* Letters of marque and reprisal.
Marriage:
 Contract clause, marriage contracts not within..... 430
 Fundamental right, privacy, attributes..... 1894–95, 1909–16, 1919–20, 2170–71
 Interracial ban, validity..... 1894–95, 2107
 Married-unmarried persons, classification, validity..... 2082–83
 Martial law, nature of, when invoked..... 361–62, 501–09, 622
 Membership in organizations, disqualifications for, oaths related to, inquiries respecting..... 1167–72, 1186, 1191–96
 Mental illness..... 1709–10, 1921–23, 2027–29
 Mental retardation..... 1710–11, 1921–23, 2027–29
Military draft. *See* Conscription.
Military forces, use abroad to protect citizens, property..... 491–98, 625–27
Military law..... 353–57, 1120
Militia:
 Powers of Congress as to..... 369–71
 Relation to right to bear arms..... 1351–54
 States, powers as to..... 370–71
Milk, price, purity, marketing..... 211, 1862, 2076
Miranda warning..... 1512–16, 1518–25
Miscegenation..... 1894–95, 2107
Money:
 Bills of credit..... 175, 401–02
 Coinage and borrowing power, relation..... 323–24
 Coins, defacement, exportation, power of Congress..... 323
 Counterfeiting..... 323, 379
 Gold, currency, gold clauses in contracts, abrogation..... 175, 322–23, 1553–54
 Legal tender, power of States as to..... 402
 Legal tender, treasury notes as..... 175, 322–23, 381
 State bank notes, federal tax on..... 381
Mootness in legal disputes..... 756, 758–61
Mortgages, state moratoria laws, validity..... 438–39
Motive vs. effects test of equal protection..... 2059–65
Motor vehicles, regulation, taxation..... 247–48, 2071–72
Multimember electoral districts, validity..... 2157–64
Multistate businesses, interstate commerce, taxation..... 250–55
Murder, death penalty for..... 1695–96

N

- National Industrial Recovery Act..... 83–84, 203–04
National Labor Relations Act..... 206–08
National security. *See also* War:
 Electronic surveillance justified by..... 1430–31
 Executive privilege..... 587–91
 President, authority as Commander in Chief..... 480–516
National security:
 First Amendment issues..... 1183–97
National supremacy, scope of clause..... 783–84, 1005–13, 1015–32
Native Americans:
 Commerce with, congressional powers..... 294–99
 Due process constraints on governance of..... 298–99, 542–43
 Lessees of Indian lands, State taxation..... 1031–32
 “Not taxed,” counting for apportionment..... 122
 State taxation of, reservation activities..... 294–97
 Treaties with..... 294–95, 541–43
 Tribes not foreign states..... 858
Naturalization. *See* Immigration and naturalization.
Natural resources, state laws respecting..... 259, 959–62, 1853–57
Navigable waters:
 Admiralty jurisdiction..... 817–18
 Congress, regulatory powers, improvement..... 186–91
 Riparian ownership, governmental reservation..... 187–88, 1571
 State ownership of land beneath..... 975–76
 State regulation, validity..... 248
Navy. *See* Armed forces.
Necessary and proper legislation..... 181–82, 377, 379–83, 529–31, 563–64, 703–04, 810–12
New Deal legislation, constitutionality..... 203–12
Newsgathering as commerce..... 178
Newspapers (*see also* Speech and press, Journalist’s privilege):
 Contempt for publication..... 694–96
 Exclusion from mails..... 326–27
 Government regulation of business of..... 1258–61, 1265–66
 Right of reply laws..... 1265–66
 Search and seizure of newspaper offices..... 1234–35, 1389
Nobility, titles of, not to be granted, accepted..... 400
Noise, permissible state interest in limiting expression..... 1338–39
No-knock entrances to search..... 1392–93
Nonresident of State, obtaining jurisdiction over..... 1951–61, 1963–70
Notice, civil proceedings..... 1928
Notice of accusation..... 1622
Nudity in films and theater, protected expression..... 1308–09, 1312–13, 1315
- O
- Oath of office, application, powers of Congress as to..... 1032–37
Oaths, loyalty, affirmative, disclaimer..... 1151–52, 1165–69, 1190–95
Obligation of contracts, States not to impair..... 408–40
Obscenity, pornography..... 1140–41, 1296–1313, 1315
Oil and gas:
 Interstate transportation, production for interstate sale, federal, state powers..... 195–96
 Rates, federal regulation..... 1547
 State conservation laws..... 1853–54

- One person, one vote..... 112–15, 2153–64
Opticians, ophthalmologists, regulation, classification..... 1853, 2076
Original jurisdiction..... 859–61
Original package doctrine..... 266–67, 441–42
Origination Clause..... 147–48
Overbreadth..... 1158–59, 1201–02, 1205–06, 1244, 1256, 1275

P

- Packers and Stockyards Act..... 201
Pardons and amnesties..... 510–16, 871
Parens patriae suits by states..... 840–42
Parent-child relationship..... 1919–21, 2028–29
Parks, use of for expression, public forums..... 1316–17, 1321
Passports, denial, suspension, due process..... 1188
Patents and copyrights..... 329–31, 334–36, 338–40
Patronage systems, validity under First Amendment..... 1177–78
Pendent jurisdiction..... 801–03
Pentagon Papers case..... 366, 1137–38
Penumbbral rights protected..... 1732
Peonage, validity under Thirteenth Amendment, congressional power to abolish..... 1789–91
Peremptory challenges of jurors, racial discrimination..... 2101–03
Permit systems, parades, demonstrations..... 1318–19, 1321
Person:
 Due Process..... 1807–09
 Fourth Amendment, persons covered by..... 1367
 Privileges or immunities..... 1802–04, 1806
Petitioning Congress, right of..... 1347, 1804
Petitioning government, redress of grievances..... 1282, 1345–49
Pharmacies, regulation, right to advertise..... 1249, 1852
Picketing, free expression..... 1327, 1329–36
Piracy, power of Congress to define and punish..... 340–43
Plea bargaining, validity, safeguards..... 2008–09
Pocket veto..... 149–51
Police power:
 Federal, commerce clause basis..... 219–31, 1739–43
 State, due process limitations..... 1809–10
 State, equal protection limitations..... 2074, 2079
 State, federal restrictions on..... 215–18
Political activity as element of free expression..... 1175–79, 1199–1202
Political parties, racial discrimination by..... 2037
Political question doctrine..... 540–41, 604–08
Political subdivisions, constitutional rights..... 1183
Poll taxes, qualification to vote, validity..... 2145, 2177, 2259–60
Polygamy..... 1112
Pornography. *See* Obscenity, pornography.
Portal-to-Portal Act..... 873–74
Port preferences, prohibition..... 397–98
Posse comitatus..... 620–21
Postal service. *See* Mail.
Post Roads..... 324–25
Poverty, classification on basis of..... 2081–82, 2084, 2172–74, 2176–83
Preemption..... 87–88, 266–84, 286–96, 320–22, 338–39, 1006–07
Preferred freedoms doctrine..... 1156–57
Pregnancy, classifications based on..... 1978, 2126, 2136–37

- Presentation of bills and resolutions..... 151–56
- President, powers:
- Appoint, remove officers, congressional power to limit..... 460, 466–67, 563–83
 - Approval or veto of bills and resolutions..... 148–56
 - Commander-in-Chief..... 480–509
 - Domestic disturbances in States, suppression..... 508–09, 982
 - Enforcement of law of nations..... 624–25
 - Envoy, special agents..... 561–63
 - Executive agencies, creation, status..... 485–86
 - Executive power generally..... 457–64
 - Exercise of, in person, by agents..... 614–19, 638–39
 - Faithful execution of laws, duty, powers..... 608–27
 - Foreign envoys, reception by President..... 596
 - Foreign relations, conduct of..... 596–602, 604–08
 - Impoundment of appropriated funds..... 611–14
 - Legislative role..... 595–96
 - Martial law, declaration..... 501–09, 622–24
 - Pardons, amnesties..... 511–16
 - Protection of citizens and property abroad..... 491–92, 625–27
 - Recess appointments..... 591–95
 - Recognition of foreign governments..... 599–602
 - Remove officers..... 460, 573–83
 - Seizure of factories..... 627–33
 - Subordinates, control, protection..... 573–83, 614–18
 - Veto, pocket veto, approval of bills..... 148–56
 - War..... 343–49, 480–509
- President:
- Cabinet as adviser of..... 509–10
 - Compensation, restriction on..... 479
 - Creation of office..... 455–57
 - Delegation of shared power to..... 88–90
 - Disability, inability..... 478–79, 2261–63
 - Election, electoral college..... 471–77
 - Executive agreements..... 543–56
 - Executive orders..... 462–69
 - Executive privilege..... 587–91
 - House of Representatives, when selects..... 1781–82
- Presidential Recording and Materials Preservation Act..... 589
- Immunity from judicial direction..... 587–91, 633–38, 767–68
 - Impeachment of..... 640–41, 647–50, 652–53
 - Messages to Congress..... 595–96
 - Oath of office, effect, time of..... 479–80
 - Papers, recordings..... 589–90
 - Qualifications..... 477–78
 - Succession to, vacancy..... 478–79, 2239–40, 2261–63
 - Term, tenure..... 469, 2239–42, 2261–63
 - Term limit..... 2255–56
- Press, freedom of. *See* Speech and press, freedom of expression.
- Pretrial publicity..... 1139–40
- Preventive detention:
- Juveniles..... 1684, 2026–27
- Price controls. *See* “Rent and price controls”.
- Primary elections, subject to federal regulation..... 129–30

INDEX

2773

- Prior restraints, doctrine of..... 1135–36, 1139
- Prison inmates:
- Access to courts..... 2016–17
 - Access to legal materials..... 2017
 - Basis of rights..... 2016
 - Conditions, cruel and unusual punishment..... 1726–28, 2016–17
 - Counsel, right to..... 2019
 - Discipline, transfers between prisons..... 2019–20
 - First Amendment rights..... 1120–21, 1238–42
 - News media access..... 1241–42
 - Parole, probation revocation..... 2020–23
 - Racial segregation of..... 2017
 - Religious freedom of..... 2016
 - Voting by..... 2148, 2184
- Privacy:
- Abortion..... 1897–1909
 - Contraceptive use protected..... 1732, 1895–96, 1910
 - Fourth Amendment protection of..... 1367–72, 1910–11
 - Home, protections in..... 1304–06, 1912–15
 - Marital, family rights..... 1919–21
 - Protection of limited by First Amendment..... 1290–92
 - Theories: informational privacy and personal autonomy..... 1909–19
- Private bills..... 382–83
- Private entities, validity of delegations to..... 90–92
- Privileges and immunities of national citizenship..... 1348–49, 1802–04, 1806, 2187–91
- Privileges and immunities of state citizenship:
- Access to courts..... 963–64
 - Access to resources, distinction between residents and nonresidents..... 959–62
 - Corporations, not eligible for protection of..... 959
 - Scope of..... 954, 956–58
 - Taxation, discrimination in..... 964–66
- Prizes of war..... 363–64
- Probable cause..... 1382–86
- Probate:
- Federal courts and..... 845
 - Full faith and credit..... 939–40
- Probation, parole:
- Due process..... 2020–23
 - Fourth Amendment rights..... 1419–21
- Profanity, public, governmental power to proscribe..... 1274–75
- Professional sports, interstate commerce..... 177–78
- Prohibition, intoxicating liquors..... 2233–35, 2245
- Proof of crime, burden..... 1998–2005
- Property, private. *See* Due process of law; Taking of property by government.
- Property power, congressional control of public lands, territories..... 976–80
- Property qualifications for voters, candidates..... 2145–47
- Property tax support of public education..... 2180–82
- Prosecutorial misconduct, due process..... 1995–98
- Public accommodations, racial discrimination..... 220, 228–30, 1788–89, 2107
- Public employees:
- Search of offices..... 1418–19
 - Speech, political rights..... 1199–1209
- Public figures, defamation..... 1280–87, 1289–92

Public forum.....	1316, 1318–24
Publicity:	
Prejudicial, criminal trials.....	1992
Right to personal.....	1294
Public lands.....	977–79
Public officers of the United States (<i>see also</i> President):	
Appointment, confirmation.....	563–73
Commissions of, issuance.....	639–40
Creation, qualifications, conduct, congressional regulation.....	559–61, 563–72
Disqualification for rebellion.....	2185
Foreign emoluments.....	400
Impeachment of.....	640–41, 643
Inferior officers, employees.....	565–68
Loyalty-security programs.....	570
Political activities of.....	568–70
Recess appointments.....	591–95
Removal.....	573–83
Salaries, congressional termination in order to remove.....	387
Strikes by.....	570
Suits against, immunity.....	638–39, 829–32
Public property, legislative jurisdiction over.....	375–77
Public trials, right in criminal cases.....	1235–38, 1596–99
Public use, taking of property.....	1559–63
Public utilities, federal, state regulation, due process.....	1546–47, 1839–44
Puerto Rico.....	979–80, 2121
Punishment of crime, unequal sentences, disproportionality.....	1720–24, 2083–84
Punitive damages.....	1685, 1974–75

Q

Qualifications for office:	
Members of Congress.....	116–22, 126
President.....	477–78
Qualified immunity. <i>See</i> Immunity from suit.	
Quorum, Congress, what constitutes.....	106, 132–35, 151

R

Racial discrimination:	
Affirmative action.....	2108–18
Capital punishment, discriminatory application.....	1713–14
Commerce power as source of federal legislation.....	228–30
De jure/de facto segregation.....	2032–33
Disparate impact of facially neutral laws.....	2059–65
District of Columbia schools, Fifth Amendment.....	1544
Enforcement of prohibition, congressional powers.....	2186–99, 2208–10, 2212–15
Equal protection and race generally.....	2084–98, 2100–18
Gerrymandering.....	2157–64, 2207–08
Intent to discriminate.....	2032, 2060–65, 2095–96
Jury selection.....	1613–14, 2100–04
Labor unions.....	1827–28
Political parties.....	2037, 2206, 2209
Prisons.....	2017
Public accommodations.....	228–30, 2107
Segregation of schools.....	2085–99
Suspect classification, equal protection.....	2053–55

INDEX

2775

- Racial discrimination—Continued
 Voting..... 2203–10, 2212–15
- Radio. *See* Broadcasting.
- Railroad Retirement Act..... 205–06
- Railroads (*see also* Carriers; Labor-management relations):
 Compelled services, expenditures..... 423, 1841–43
 Federal rate regulation, due process..... 1547–48
 Full crew laws..... 247, 1843
 Interconnection of tracks, authorization..... 192
 Intrastate rates, federal regulation..... 194
 Property, state taxation, apportionment..... 243–44
 Rate regulation, state..... 246–47, 1832–36, 1838–39
 Safety regulations..... 247, 1843, 1852
 State owned railroads, federal regulation..... 1011
- Rape:
 child witness and defendant's right to confrontation..... 1632–33
 Death penalty for..... 1707–08
 victim's privacy interest..... 1292
- Ratification of Constitution..... 1039
- Rational basis standard of review..... 2048, 2050–53
- Real property, state regulation, zoning, succession to..... 1571–87, 1857–61
- Reapportionment of congressional districts among states..... 122–25
- Reasonable doubt standard..... 1998–2000
- Recess appointments..... 591–95
- Recusal..... 1930–31
- Redistricting, congressional districts..... 112–15, 2153, 2155
Redistricting, state legislative districts..... 2153–64
- Re-examination of jury factfinding..... 1673, 1677
- Registration, compelled, self-incrimination..... 1500–02
- Regulation, when a taking..... 1810
- Religion, Establishment Clause..... 1068–1107
 Access of religious groups to public property..... 1094–96
 Bus transportation, parochial school students..... 1069–70, 1079, 1083–84
 Chaplains in Congress, armed forces..... 1093, 1101–02
 Child benefit theory..... 1070–71, 1078–79
 Church disputes, judicial role..... 1066–68
 Colleges, universities, religious, assistance to..... 1086–87
 Conscientious objection, military service..... 1100–01, 1115
 Construction grants, colleges..... 1086–87
 Delegation of governmental power to churches..... 1106–07
 Entanglement test..... 1063, 1065, 1071–78, 1088
 Evolution, teaching, public school, ban..... 1094
 Exemption of religious organizations from general laws..... 1098–99
 Financial assistance to church-related schools..... 1069–89
 Government observances..... 1101–02
 Grants to religious organizations for public (e.g., social welfare) purposes..... 1088–89
 Mandated school tests, etc, public purchase..... 1077–78
 Neutrality..... 1066–68
 Oaths as test for office..... 1191
 Prayers, Bible readings, public schools..... 1090–94
 Primary secular purpose and effect tests..... 1063, 1065, 1071–89
 Public property, use for religious displays..... 1102–05
 Released time..... 1089–90

- Religion, Establishment Clause—Continued
 School supplies, loans to students..... 1075–76, 1078–79
 Sunday closing laws..... 1099–1100
 Tax exemptions, religious property..... 1097–98
 Textbooks, loans to private school students..... 1070, 1078–79
- Religion, Free Exercise Clause..... 1107–25
 Accommodation of religious practices..... 1108–10
 Child labor laws..... 1110
 Clergy, disqualification for public office..... 1125
 Compulsory school attendance laws..... 1117–18
 Compulsory vaccination..... 1110
 Conscientious objection, military service..... 1100–01, 1115
 Criminal law, general applicability, religious practices..... 1111–12
 Flag salute, public schools..... 1115, 1164
 General secular requirements, religious exemption..... 1114–25
 Military regulations..... 1120
 Neutrality..... 1066–68
 Oaths, religious test..... 1125
 Parks, other public places, use by religious groups..... 1114
 Peyote use, criminal proscription..... 1111–12
 Polygamy, bigamy..... 1110–12
 Prison regulations..... 1120–21
 Religious Freedom Restoration Act..... 1123–24
 Social Security taxes, exemption denied..... 1118
 Solicitation, proselytizing..... 1101, 1113–14
 Sunday closing laws, exemption for non-Christian..... 1115–16
 Unemployment compensation, denial to Sabbatarians, other religious objectors.... 1116–17
 Vouchers for private school education..... 1072–73, 1085–86
- Religion, general principles:
 Background, history..... 1059–62
 Belief-conduct distinction..... 1110–12, 1121–22
 Conscience, freedom of..... 1059, 1061, 1107
 “Religious People” characterization..... 1090
 Separation of church and state..... 1062–63
- Relocation of Japanese Americans, WWII..... 486–87
- Removal, power of President to remove officers..... 573–83
- Removal of cases from state to federal court:
 Cases concerning federal officers, employees..... 905
 Civil rights cases..... 905–07
 Generally, validity, circumstances..... 382, 796–98, 904–07
 States may not limit, burden..... 846–47
- Removal power:
 retention by Congress..... 70
- Rendition of fugitives, interstate extradition..... 966–69
- Rendition of slaves..... 969
- Rent and price controls..... 358–59, 665, 713, 1552–53, 1829–36, 1838–39
- Reply, right of, newspapers..... 1265–66
- Republican form of government, nature, scope..... 980–82
- Reputation, protected interest..... 1280–82, 1285–87, 1289, 1941
- Required records doctrine..... 1498–99
- Reserved powers..... 1737–47
- Residency, durational requirements..... 1806, 2166–69
- Residency, state requirements generally..... 956–57, 1978–79

INDEX

2777

- Residential picketing..... 1330
Restrictive covenant cases..... 737, 2034–35, 2105
Retroactivity, prospectivity of judicial decisions..... 761–66
Retroactivity of legislation..... 1552–54
Revenue, bills for raising *See* Origination Clause.
Reverse discrimination *See* Affirmative action.
Right-privilege distinction..... 1189–90, 1202–04, 1934–35
Rights, public vs. private distinction..... 669–73
Rights. *See* entry describing nature of right (assembly, petition, etc.).
Rights retained by the people, Ninth Amendment..... 1731–33
Right-to-work laws, state, preemption..... 289, 1828, 2079–80
Ripeness, justiciability..... 753–56

S

- Safety regulations, preemption..... 272
Savings bonds, federal overriding of state regulations..... 1020
Schools, public. *See also* Education, Racial discrimination, Religion, Teachers:
 Busing for desegregation..... 2091, 2097–98
 Bus transportation generally..... 2182
 Compulsory public education..... 1210, 1893–94
 Desegregation..... 2085–99
 Evolution, creationism, teaching of..... 1094
 Foreign language, ban on teaching..... 1893–94
 Free speech in..... 1210–15, 1322
 Prayers and religious exercises in..... 1090–94
 School buildings, picketing of..... 1319
 Searches of students in..... 1417–18
Schools, religious:
 Public aid to..... 1069–89
 Vouchers for use in attending..... 1072–73, 1085–86
Searches and seizures:
 Administrative inspections..... 1376–80
 Airport stops..... 1401–02
 Alcohol, firearms inspections..... 1376–77
 Arrests, other detentions:
 Lawfulness, when warrant required..... 1373–75
 Search incident to..... 1402–06
 Automobiles..... 1372, 1380, 1406–11, 1414–15
 Background, scope..... 1361–67
 Body searches..... 1389–90
 Border searches..... 1413–15
 Buses, search of passengers..... 1400
 Business records, when protected..... 1391–92
 Consent searches..... 1412–13
 Contraband, evidence, property subject to seizure..... 1389–92
 Drug testing..... 1421–24
 Electronic surveillance..... 1368, 1424–27, 1429–31
 Exclusionary rule..... 1431–47
 Extraterritorial application..... 1367
 Fingerprints, other objective evidence..... 1375, 1389–90
 First Amendment considerations..... 1386–89
 Fruit of the poisonous tree..... 1375
 Government offices..... 1418–19
 Grand juries, inapplicability of Fourth Amendment..... 1452–53

Searches and seizures—Continued

- Habeas corpus, when search and seizure issues reviewable 898–99, 1441–42
Informants, tips, when sufficient for probable cause 1384–86
Interests protected 1367–72
Legislative investigations 109
Mere evidence rule 1389–90
National security electronic surveillance 1430–31
No-knock entrances 1393
Open fields doctrine 1415–16
Plain view doctrine 1416–17
Prisons, probation 1419–21
Privacy, protection of 1367–72
Property, protection of 1367–68
Random stops, check points, automobiles 1380, 1414–15
Reasonableness, meaning 1363–66
Schools, searches of students, athletes 1417–18, 1422–24
Seizure of person 1399–1400
Standing to contest search and seizure 1446–47
Stop and frisk (Terry stop) 1396–1402
Subpoenas, likened to search warrants 1391–92
Testimonial evidence, self-incrimination 1390–92
Thermal imaging 1369
Vessels, search of 1411–12
Warrants:
 Exceptions to warrant requirement 1363–66, 1395–99
 Execution of warrants 1392–95
 Issuance, neutral magistrate 1381–82
 Particularity in warrants 1386–89
 Probable cause 1382–86
 Use, obtaining 1363–66, 1381–95
Wired informers 1412–13
Wiretapping 1368, 1424–27, 1429–31
Seat of government. *See* District of Columbia.
Seditious libel 1127, 1129–30, 1273–74
Segregation. *See* Racial discrimination.
Self-incrimination:
 Accusatorial system preservation, rationale 1484–86, 1511–12
 Alibi defense, compelled pretrial disclosure 1493
 Compelled waiver 1490
 Compulsion required, nature of 1489–90
 Confessions 1504–16, 1518–25
 Corporations, privilege not available to 1487
 Delay in arraignment 1505–06
 Discharge from public employment for asserting privilege 1490
 Dual sovereign rule 1494–95
 Exclusionary rule 1511–12, 1526–28
 Gambling, firearms, registration, reporting 1499–1503
 Hit-and-run reporting statutes 1502–03
 Immunity grants to compel testimony 1495–98
 Incriminating disclosures 1486–87
 Infamy, harm to reputation, not protected 1493–94
 Interrogation, police questioning 1504–16, 1518–25
 Miranda warnings 1512–16, 1518–25

INDEX

2779

<p>Self-incrimination—Continued</p> <p>Miranda warnings—Continued</p> <ul style="list-style-type: none"> Constitutional status of requirement..... 1514–15 Public safety exception..... 1525 Waiver..... 1522–24 <p>Presumptions..... 1493</p> <p>Prison disciplinary hearings..... 1492</p> <p>Privacy rationale..... 1485–86, 1503</p> <p>Prosecutor’s comment on defendant’s failure to testify..... 1491</p> <p>Registration requirements..... 1500–02</p> <p>Reporting and disclosure requirements..... 1499–1503</p> <p>Required records doctrine..... 1498–99</p> <p>States, privilege applicable in state courts..... 1494–95, 1506–10</p> <p>Tax returns..... 1499–1502</p> <p>Testimonial disclosures, limited to..... 1488–89</p> <p>Waiver..... 1490, 1522–24</p> <p>Writings, compelled production..... 1488–89</p> <p>Self representation in criminal proceedings..... 1650–51</p> <p>Senate:</p> <ul style="list-style-type: none"> Direct election of members..... 2231–32 Qualifications of members..... 126 Trial of impeachments..... 126–27 <p>Sentencing, convicted criminal defendants:</p> <ul style="list-style-type: none"> Appeals, corrective process..... 2013–15 Capital cases..... 1690–93, 1695–96, 1698–1702, 1704–15, 1717–19 Counsel, assistance of..... 1659–60, 2011 Deferred, probation, reimposition..... 2011 Disproportionate length..... 1720–24 Habitual offenders..... 1721–23, 2010 Insane defendants..... 2005–08 Jury sentencing, bifurcation, capital cases..... 1696, 1698 Presentence reports, disclosure..... 2010 Resentencing on retrial, limitations..... 2012–13 <p>Sentencing Commission, delegation of authority to..... 72, 86</p> <p>Separate but equal doctrine..... 2085–88</p> <p>Separation of church and state. <i>See Religion, general principles.</i></p> <p>Separation of powers, doctrine of..... 65–72, 79–81, 110–11, 137–39, 145–56, 343–49, 386, 408–09, 464–69, 484–85, 491–98, 543–44, 549–53, 573–83, 587–91, 604–08, 611–14, 616–18, 627–39, 653–54, 663–64, 666–69, 671–72, 676–78, 681, 766–69, 771–78, 861–68, 870–74</p> <p>Severability of unconstitutional sections of statutes..... 791</p> <p>Sex, materials about, pornography..... 1296–1313, 1315</p> <p>Sex discrimination:</p> <ul style="list-style-type: none"> Age of majority..... 2128 Alimony..... 2129–30 Equal protection standards..... 2055, 2127–28 Government benefits..... 2131–33 Jury service..... 2129 Liquor regulations..... 2129 Military service..... 2133–34 Pensions, survivor’s benefits..... 2131–33 Pregnancy..... 2136–37 Unwed fathers/mothers distinction..... 2130–31 Voting, women’s suffrage..... 2237–38 	
---	--

- Sexual orientation, discrimination on basis of..... 2171–72
Sexual privacy..... 1896–97, 1914–19
Sexual psychopath laws, commitment..... 1922–23
Shopping centers, picketing in..... 1325–27
Shreveport Doctrine..... 194
Sit-ins..... 1325
Slavery and involuntary servitude..... 1785–92
 Abolition..... 1785–89
 Citizenship of former slaves..... 1799–1800
 Peonage..... 1789–91
 Prohibition inapplicable to jury duty, military service..... 1791–92
 Public indemnification for loss or emancipation of slaves prohibited..... 2185
 Rendition of fugitives..... 969
 Slave trade permitted prior to 1808..... 383
 State representation in House, Electoral College, three-fifths rule..... 122
 Voting not to be abridged on basis of previous servitude..... 2203
Smith Act..... 1150–51
Social Security:
 Benefits, termination..... 1946
 benefits, termination..... 1945–46
 spending power..... 169–70
Soldiers, quartering in homes, prohibition..... 1357
Sound trucks, demonstrations..... 1338–39
Sovereign immunity. *See* Immunity from suit.
Special prosecutor..... 577–78
Speech and press, freedom of expression:
 Absolutist view of protection accorded..... 1156–57
 Adoption, background..... 1125–27, 1129–31
 Advertising..... 1247–58
 Advocacy..... 1130–31, 1141–44, 1146–48, 1150–51, 1162–63, 1184–88, 1196–97
 Anonymity, printed materials..... 1337–38
 Antitrust laws, communications media..... 1261
 Application to States..... 1126, 1130–31
 Association, freedom of..... 1153–54, 1156, 1169–83
 Balancing..... 1151–54, 1156
 Beliefs, affiliation..... 1163–69, 1187–90
 Benefits, privileges, withdrawal..... 1189–90
 Books, periodicals..... 1141, 1248, 1299–1300
 Broadcast media, regulation..... 1261–65
 Campaign finance restrictions..... 1179, 1215–20, 1222–28, 1230
 Charitable solicitation, professional fundraisers..... 1339–41
 Children..... 1210–14, 1298, 1300–01, 1306–12
 Clear and present danger..... 1141–44, 1146–54, 1156–63
 Commercial speech..... 1247–58
 Communications industries, regulation..... 1261–68
 Communist Party membership..... 1153–54, 1156–57, 1186–90
 Confidentiality requirements..... 1294–95
 Contempt of court..... 1148–50
 Content of expression, limitation based on..... 1199, 1268–87, 1289–92, 1294, 1296–1313,
 1315, 1318–21
 Contributions, campaign funds..... 1179, 1215–20, 1222–28, 1230
 Copyrights..... 337
 Defamation..... 1134–35, 1280–87, 1289

- Speech and press, freedom of expression—Continued
- Disorder, unrest, speech result..... 1320–21
 - Door-to-door solicitation..... 1339–41
 - Draft card burning..... 1196, 1342
 - Elections..... 1175–79
 - Emotional distress tort actions..... 1292–93
 - Fairness doctrine, broadcasting..... 1262–63
 - Fair trials, press coverage..... 1139–40, 1235–38
 - False Statements..... 1289–90
 - Fighting words..... 1274–76
 - Flag desecration, burning..... 1342–45
 - Flag salute, compulsory, schools..... 1164, 1341–42
 - Government employment..... 1199–1209
 - Employee speech generally..... 1202–09
 - Hatch Act, restrictions on political activity..... 1199–1202
 - Patronage, associational rights..... 1177–78
 - Hate speech, group libel..... 1279–80
 - Hostile audience..... 1320–21
 - Importation..... 1197, 1300
 - Injunctions, *ex parte*..... 1139–40, 1320
 - Internet communication..... 1309–11, 1324
 - Labor relations..... 1180–83, 1232, 1260–61
 - Leaflets, pamphlets, distribution..... 1195, 1336–38
 - Least restrictive means test..... 1159
 - Legislative investigations..... 1195–96
 - Libraries, schools, removal of books..... 1212–13
 - License taxes..... 1156, 1259
 - Licensing, professional, bar membership..... 1136, 1153–54, 1170, 1189
 - Litigation as expression..... 1170–72
 - Live performances, plays, nudity..... 1313, 1315
 - Lobbying..... 1230–31
 - Loyalty oaths..... 1151–52, 1165–69, 1190–95
 - Mails..... 1155, 1197, 1299–1300
 - Membership, disclosure..... 1142–43, 1170, 1186–90
 - Motion pictures..... 1141, 1248, 1300, 1308–09, 1312–13
 - National security..... 1137–38, 1144, 1146, 1150–54, 1156, 1167–69, 1183–98
 - Newspapers... 1135–37, 1139–40, 1148–49, 1232–35, 1240–42, 1248–49, 1258–61, 1265–66,
1280–87, 1289, 1294–95
 - Obscenity, pornography..... 1140–41, 1296–1305
 - Obscenity—ideological..... 1296
 - Organizations, members, conflicts between..... 1179–83
 - Overbreadth..... 1158–59
 - Patronage systems..... 1177–78
 - Permit systems..... 1137–38, 1319
 - Picketing, public demonstrations..... 1327, 1329–36
 - Political campaigns, contributions, expenditures..... 1179, 1215–20, 1222–28, 1230
 - Political candidates, loyalty oaths..... 1191
 - Political parties, associational rights..... 1178–79
 - Preferred position..... 1156–57
 - Press freedom, particularized issues..... 1133–35
 - Prior restraint..... 1135–36, 1139
 - Prisoners, reduced rights..... 1238–42
 - Privacy, protection of as First Amendment problem..... 1290–92, 1304

Speech and press, freedom of expression—Continued	
Private employment, restrictions on.....	1189
Private places, public attributes.....	1325–27
Profane and abusive language.....	1274–75
Public employees, expression rights.....	1202–09
Public employees, political activities.....	1199–1202
Public forum, public places.....	1316, 1318–24
Publicity right, press coverage.....	1294
Reporter's privilege.....	1232–35
Residential picketing.....	1330
Right-privilege distinction.....	1202–04
Schools, speech rights of students.....	1210–14
Sedition, seditious libel.....	1273–74
Sexually explicit, non-obscene expression.....	1308–13, 1315
Shopping malls, company towns as quasi-public forums.....	1325–27
Smith Act.....	1150–51, 1184–86
Sound trucks.....	1338–39
Speech-conduct distinction.....	1157, 1341–45
Spending power, conditions on receipt of federal grants.....	1242–47
Students.....	1210–15
Symbolic speech.....	1341–45
Syndicalism laws.....	1146, 1162–63, 1184, 1274
Taxation.....	1258–60
Tax exemptions, denial for speech.....	1190
Threats of violence.....	1276–78
Time, place, manner regulations.....	1312–13, 1318–19, 1330, 1332–36, 1339, 1342
Vagueness.....	1158, 1193–94, 1244–45, 1274–75, 1282, 1329, 1339–40, 1343
War effort, interference with.....	1144, 1146, 1196–97
Speech or debate, privilege of Members of Congress.....	137–42
Speedy trial, right in criminal cases.....	1592–93, 1595–96
Spending for general welfare.....	166–75
Standards, requirement for valid delegation.....	83–87
Standing to sue in federal courts.....	724–37, 739–47
Standing to sue:	
suit by organization on behalf of members.....	734
Stare decisis.....	791, 793
State action, Fourteenth, Fifteenth Amendments:	
Basis of doctrine.....	2029–32, 2208–09
Congressional enforcement, whether limited by.....	2208–10
Courts, enforcement against private discrimination.....	2033–38, 2040–46
Discriminatory application, enforcement.....	2032–34
Lessee of property in public building.....	2037–38
Private clubs, liquor licenses.....	2038
Private discrimination, encouragement by official action.....	2037
Public function.....	2040–41
Repeal of antidiscrimination laws.....	2036–37
Tax privileges, public funds, discrimination by recipients.....	2043–44
States:	
Admiralty, maritime matters, state legislation.....	818–24
Admission to Union on equal footing.....	970–76
Agreements, compacts with other States.....	446–49
Boundary disputes between, suits.....	833–34
Contracts, not to impair obligations.....	408–40

States—Continued

- Disputes over water rights between..... 834–35
 Domestic violence, federal protection against..... 980–82
State secrets, political questions..... 605–06
 Electors, presidential, power to control..... 472–74
 Employees, federal labor laws applied to..... 182, 1011–13, 1015–19, 1743–45
 Equal footing, admission on terms of..... 970–76
 Federal facilities and instrumentalities, jurisdiction over..... 377, 1019–21
 Immunity from federal taxation..... 159–61, 1738–39
 Immunity from suit..... 1751–52, 1754–79
 Instrumentalities, activities, federal regulation, taxation..... 1743–47
 Legislatures, apportionment, districting..... 2063–64, 2153–64
 Navigable waters, rights to soil beneath..... 975–76
Officers of:
 Federal laws, duty to enforce..... 1033–37
 Injunctions, restraint of enforcement of invalid laws..... 884–85, 888–92, 1770–79
 Political activities of, federal restraints on..... 170, 1200
 Salaries, federal taxation..... 1738–39
Patents and copyrights, regulation..... 338–40
Powers denied or limited:
 Attainder, bills of..... 402–03
 Bills of credit..... 401–02
 Contracts, impairing obligation..... 408–40
 Duties on imports or exports..... 441–44
 Ex post facto laws..... 403–08
 Interstate compacts..... 446–49
 Keeping troops..... 445–46
 Legal tender restriction..... 402
 Tonnage duties..... 444–45
 Treaties, alliances, confederations..... 400–01
 War..... 444
Republican form of government, guarantee..... 980–82
Reserved powers..... 1737–47
Statutes of limitations, due process constraints..... 1975–76
Steel seizure case..... 462–63, 627–33
Sterilization, compulsory..... 1894, 2057, 2084
Stop and frisk..... 1396–1402
Strict scrutiny..... 1199, 1309, 1344–45, 2053–59
Suffrage, as fundamental right..... 2057, 2142–51, 2153–65
Suicide, ban on physician assistance, due process..... 1925
Sunday closing laws..... 1099–1100, 1115–16
Super-majority requirements in referenda..... 2165
Supremacy Clause..... 518–24, 1005–13, 1015–37
Supreme Court of the United States:
 Adequate and independent state ground, review of state court decisions..... 804–07
 Advisory opinions not rendered..... 684, 686–87, 718–19, 748–50
 Appeal, certiorari..... 709–10, 787, 804
 Appellate jurisdiction, congressional exceptions..... 861–68, 870–74
 Concurrent jurisdiction with lower federal courts..... 874–76
 Disobedience of orders by state courts..... 876–78
 Finality rule, review..... 804–05
 Impeachment of Justices of..... 641, 643, 646
 Legislative courts, appellate jurisdiction over..... 669

Supreme Court of the United States—Continued

Original jurisdiction of.....	807–08, 832–38, 858–61
Size, internal organization, sessions.....	660–61
State court decisions, review of.....	804–07
Supervisory power over lower federal courts.....	692, 697–98, 700, 1437–39
Suspect classifications.....	2054–57

T

Take Care Clause, faithful execution of laws.....	608–33
Taking of property by government.....	1569–87
Appropriation of property by government.....	1570–71
Consequential damages.....	1567–68
Contracts, frustration of performance.....	1566–67
Corporation, franchise, taking of.....	1566
Courts, role of.....	1568–69, 1585–87
Delegation of power to private parties.....	1559
Destruction of property in wartime.....	367–68
Destruction of property to save other property.....	1581
Just compensation.....	1563–69
Interest as component.....	1565
Navigable waters, improvements to.....	1571
Physical invasion of property.....	1570, 1579
Police power, taking, no taking.....	1569–87
Property interests protected.....	1565–67
Public use.....	1559–63
Regulation, when a taking.....	1569–87
Diminution of property values.....	1572–73
Historic preservation.....	1574–75
Investment-backed expectations.....	1574–76
Noxious uses of property.....	1577–78
Partial regulatory takings.....	1568
Substantial advancement of legitimate governmental interest.....	1581
Zoning.....	1573
Source of power.....	1557
States, limited by clause.....	1558
States, property of subject to federal taking.....	1558
Tariffs. <i>See</i> Taxation, federal.	
Taxation, federal:	
Capital gains, computing income tax on.....	2225–26
Corporate dividends, when taxable.....	2221–23
Corporate earnings, when taxable.....	2223–25
Customs, import duties.....	165–66
Debts, payment.....	174–75
Deductions, exemptions.....	2228–29
Direct, apportionment, defined.....	392–95, 2219–20
Discriminatory, due process.....	1549–50
District of Columbia.....	395
Excises, defined, uniformity.....	392–93
Exports from States.....	395–97
Federal judges, salaries, subject to.....	157
Gift.....	1549–51
Illegal income.....	2227–28
Income.....	393–95, 2220

Taxation, federal—Continued	
Inheritance.....	394–95
Punishment of state law violations by.....	1742
Purpose of taxation—paying debts.....	174–75
Purpose of taxation—spending for general welfare.....	166–74
Regulation by.....	163–65
Retroactive.....	1550–52
State instrumentalities, activities, income of.....	1743–47
State officers, salaries.....	159–60, 1738–39
Tariffs.....	82–83, 165–66, 213–14
Uniformity.....	161–62, 392–95
Taxation, state:	
Airplanes, fuel.....	253
Assessments, notice and hearing.....	1886–88
Burden, excessive.....	1867
Carriage of persons, interstate commerce.....	233–34, 243
Chain stores.....	1882, 2066
Classification, differential treatment.....	2066, 2068
Collection of.....	1888–90
Congress, legislation on state taxation of interstate commerce.....	238–42
Contacts, “nexus” test.....	251–54
Corporations, foreign, domestic, different tax treatment.....	2068–70
Corporations, foreign, engaged in interstate commerce.....	242–45, 250–56, 1883
Corporations, personality.....	1876–77
Corporations, stock, when taxable.....	1881–82
Estate and inheritance.....	1877–81
Exemptions, revocation.....	415–16, 427–30
Exports.....	266–70, 441–44
Favoritism of certain industries.....	2066–67
Federal employees, salary.....	1025–26
Federal instrumentalities, immunity.....	1021–32
Forfeiture of land for taxes.....	1889–90
Franchise.....	1881
Franchise, corporation, interstate commerce.....	245–46, 251
Freight, transported interstate.....	234–35, 243–45
Gift.....	1877–81
Gross receipts, companies in interstate commerce.....	243–44, 251
Imports, foreign, domestic.....	441–43
Income.....	1882–83
Income, nonresidents.....	964–66, 2068–70
Inheritance, estate, gift, transfer.....	1877–81, 2070
Insurance.....	240, 1884–85, 2066
Interest on unpaid taxes.....	1889
Interstate and foreign commerce.....	231–66
Apportionment, interstate business.....	245, 253–56
Congressional authorization.....	238–42
Discrimination, impermissible.....	245, 251, 256–57
Dormant commerce clause doctrine.....	231–42
Nexus requirement.....	251–54
State proprietary exception.....	237–38
Jurisdiction to tax.....	1870–85
Laches.....	1891–92
Liens for taxes.....	1889

Taxation, state—Continued

- Motor vehicles..... 247, 2071–72
 Multiple taxation test..... 245, 254–56
 Notice and hearing, when required..... 1885–86
 Peddlers, drummers, imports..... 235
 Personalty, tangible, intangible..... 1872–77
 Privilege, corporation, measure..... 1881–82
 Privilege taxes on importers..... 442–43
 Property, assessments, equal protection..... 2072–74
 Public purpose in taxation..... 1867–68
 Real property..... 1871–72
 Remedies, contesting taxes..... 1891
 Retroactive..... 1868
 Sales..... 256, 2068
 Solicitation of out-of-state orders..... 250, 252–53
 Special assessments..... 1886–88, 2073–74
 Suits to restrain collection..... 884–85
 Transfer..... 1877–81, 2070–71
Tax benefits, suits to compel withdrawal..... 726–29, 2043–44
Taxing and spending power..... 156–75, 1242–47, 1765, 2253
Taxpayers' standing to sue..... 726–29
Tax records, privacy interests..... 1488–89
Teachers, First Amendment rights..... 1145, 1193–95, 1203
Televising of criminal trials..... 1598
Television. *See* Broadcasting.
Term limits:
 Members of Congress..... 117, 120–22
 President..... 2255–56
Territories:
 Acquisition of by conquest, provision for..... 499
 Congress, powers as to..... 979–80
 Constitutional guarantees in..... 979
 Courts of..... 666–70, 979–80
 Diversity of citizenship, suits in federal courts..... 843–44
Textbooks:
 Loans to religious school students..... 1069–70, 1078–79
 Loans to segregated private schools..... 2045
Three-judge federal courts..... 886–87
Time, place, and manner regulation:
 Congressional elections, federal legislation..... 127–31
 Religion..... 1118–19
 Speech..... 1312–13, 1318–19, 1329–36, 1339, 1342
Titles of nobility..... 400
Tonnage duties, States not to lay..... 444–45
Topless dancing..... 1313, 1315, 2251–52
Trade agreements..... 545–46
Trademarks..... 340
Trade names, restraint on use..... 1251
Trade secrets, state protection..... 339
Trading stamps, regulation, bar..... 1848, 2080–81
Transcripts, criminal trials, indigents..... 2175
Transportation, racial discrimination in, banned..... 228–29, 2105–06
Travel, international, right of..... 1188

INDEX

2787

- Travel, interstate, burdening, forbidding..... 220, 2058, 2166–69
Treason, definition, evidentiary requirements, penalty..... 644–45, 907–14
Treaties (*See also* Executive agreements, National supremacy; President, powers;
Native Americans; War):
 Congress, implementation, when required..... 524–26, 528–29
 Congress, legislation concerning..... 378, 529–31
 Constitutional limitations on power..... 531, 533–36
 Indian tribes, treaties with..... 541–43
 Interpretation, political question..... 540–41, 767, 770, 776–77
 Law of the land, effect on state laws..... 518–23
 Negotiation, Presidential monopoly..... 517–18
 Ratification, role of Congress..... 517–18
 Self-executing, when..... 528–29
 States not to enter into..... 400–01
 Statutes, federal, conflict..... 527–28
 Termination, lapse, how, by whom..... 536–41
Treatment, right of mentally ill to..... 1921–23
Troops:
 Quartering in homes, prohibition..... 1357
 States, prohibition on keeping..... 445–46

U

- Unconstitutional conditions..... 1190, 1935
Unenumerated rights..... 1731–33
Uniformity of taxes..... 161–62
United States:
 Immunity from suit, waiver..... 827–29
 Instrumentalities, corporations, immunity from suit..... 829–32
 Liability for torts of employees..... 828, 832
 Officers of, state taxation, regulation..... 1025–26
 Prior debts valid..... 1005
 Property of, ceded by States, powers, conditions..... 977–79
 Property of, disposition, congressional authorization..... 976–79
 Property of, jurisdiction over, limits, duration..... 375–77
 Property of, residents on, rights..... 375–76, 2145
Utilities, advertising, regulation..... 1251
Utility service cutoffs, due process..... 1936, 2039

V

- Vacatur:
 remedy for mootness, limitations..... 756
Vagrancy laws, vagueness, validity..... 1984–86
Vagueness in statutes:
 Due process..... 1983–87
 First Amendment..... 1158, 1193–94, 1244, 1274–75, 1282, 1329, 1339–40, 1343
Venue, change of, criminal trials..... 1614–15
Vessels:
 Interstate commerce..... 186–89
 Navigable waters, State licensing, regulation..... 248
 Taxation, State jurisdiction..... 1872–73
Veterans' preference laws..... 2062
Veto. *See* President, powers; Congressional veto.
Vice President:
 Electoral College, separate vote for President, Vice President..... 1782

- Vice President—Continued
President of Senate..... 126
Succession to presidency..... 478–79, 2239, 2255–56, 2261–63
Vietnam War, litigation over in Federal courts..... 348–49
Violence Against Women Act..... 225–26, 2190–91
Voter qualifications:
Age..... 2143–44, 2193–94, 2265
Durational residency..... 2168, 2193–94
Felons, disenfranchisement..... 2184
Literacy..... 2192, 2206–07, 2211–13
Military service, discrimination based on..... 2145
Political party affiliation, primary elections..... 2147–48, 2206
Poll tax..... 2145, 2177, 2259–60
Property ownership..... 2145–47
Race..... 115, 2203–10, 2212–15, 2259–60
Residency..... 2144–45
Residents of federal enclave..... 376, 2145
Sex..... 2237–38
Voting, paid time off private employment..... 1823
Voting, right to..... 2142–51, 2153–65
Voting Rights Act..... 115–16, 130, 686, 2192–94, 2211–15
Vouchers..... 1072–73, 1085–86

W

- War (*see also* Delegation of power; International law; President; Japanese-Americans, relocation):
Constitutional rights in wartime..... 361–69
Declaration of, by Congress..... 345–49
Eminent domain, property destroyed, liability..... 367–68
Law of war:
Enemy saboteurs..... 504–05
War crimes..... 506
Legislation during, following..... 357–60
Powers as to, source, scope..... 343–45
President versus Congress..... 343–49, 491–98, 627–33
Prizes of war, laws applicable..... 363–64
Relocation of Japanese Americans, WWII..... 486–87
War Powers Resolution..... 348
Warrants. *See* Searches and seizures.
Water, state conservation laws..... 241–42, 259
Watergate scandal..... 577–78, 635–36
Waterways, transportation, commerce..... 186–91
Welfare assistance, status as property..... 1934–36
Wheat, production of for own consumption, federal regulation..... 211–12
White primary cases..... 2037, 2206, 2209–10
Wiretapping..... 1424–27, 1429–31
Women. *See* Sex discrimination.
Workers' compensation laws. *See* Labor-Management relations.
Wrongful death actions, maritime accidents..... 823–24

Y

- “Yellow-dog” contracts..... 207, 1826

INDEX

2789

Z

Zoning:

- | | |
|--|---------|
| Adult theatres, bookstores..... | 1312–13 |
| Restrictions on property generally, due process..... | 1857–59 |
| Takings, claims of..... | 1573–74 |

